

MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
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(Morning Session)

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1 [8:14 a.m.]

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INTRODUCTIONS AND ANNOUNCEMENTS

4 COUNCIL CHAIRMAN RICHARD ROBINS: Good
5 morning. Welcome to the December meeting of the
6 Mid-Atlantic Fishery Management Council. We're
7 convened today jointly with the Atlantic States Marine
8 Fisheries Commission and look forward to a productive
9 day of discussions on several species of great
10 importance recreationally here in the Mid-Atlantic
11 region.

12 Before we get into that, in setting
13 recreational measures, I have two introductions I'd
14 like to make. I'd like to begin by introducing former
15 Mid-Atlantic Council member and Assistant
16 Administrator of National Marine Fishery Service, Eric
17 Schwaab. Welcome, Eric.

18 ERIC SCHWAAB: Thank you, Mr. Chairman.
19 Is this an appropriate time to say a few words?

20

21 COUNCIL CHAIRMAN RICHARD ROBINS:
Absolutely.

22

23

24

ERIC SCHWAAB: Well, I appreciate the
opportunity to intrude a bit on your meeting to say hello
again. I have had the pleasure of meeting with the

1 Atlantic States Commission since my appointment as the
2 assistant administrator for fisheries of NOAA. I have
3 not had the pleasure of returning to the Mid-Atlantic
4 Council, so I appreciate the opportunity to be here to
5 say a few words and beg the indulgence of the Commission
6 members who might have to hear me again make some
7 introductory comments. But, first, Mr. Chairman, I
8 also want to acknowledge and congratulate you on your
9 selection as executive director, Chris Moore.

10 I was sorry fairly early on in arriving
11 in Silver Springs to lose him, but I understand that it's
12 to a higher cause. And congratulations.
13 Congratulations to the Council and congratulations to
14 you and Chris for a great selection.

15 I also want to acknowledge I had the
16 pleasure of being here yesterday for the second part of
17 your habitat ecosystems workshop and just enjoyed
18 tremendously the opportunity to sit in on that session.

19 I congratulate the Council on its
20 foresight and work in conducting just a great workshop
21 on a really important set of topics. It's a credit to
22 all of you that you carve out such a significant amount
23 of time to dedicate to the topic of this nature
24 particularly when there are still so many pressing,

1 urgent topics, such as the ones that you will be dealing
2 with in joint session throughout the day today. I will
3 say also that when I had the opportunity to come down
4 here, somebody told me this was going to be a fairly easy
5 meeting from a summer flounder perspective, and I said,
6 well, I'd have to be here to witness that. But I do
7 understand you have some particularly challenging
8 decisions for black sea bass, and I'm going to try to
9 get out of town before that.

10 These are challenging times for all of
11 us as we work to both meet the mandates to end
12 overfishing and realize the promise of rebuilding these
13 important stocks. And I think that we ought to stop and
14 acknowledge the tremendous progress that we've all made
15 together in that regard.

16 It is particularly fortunate for me to
17 come into the position at a time when a lot of that --
18 not all of that -- but a lot of that heavy lifting has
19 begun. And, again, I want to convey to both Commission
20 members and the Council members a great appreciation for
21 your work in moving toward meeting those mandates to end
22 overfishing to rebuild stocks. It really settles on a
23 pathway to sustainable fisheries for many years to come.

24 But at the same time, as, I think,

1 evidenced by your workshops in the last two days, these
2 are tremendously challenging times still where we face
3 many of these broader challenges associated with
4 habitat protection, restoration, and enhancement. We
5 can see looming on the horizon implications of climate,
6 and we need to adapt both in our habitat strategies as
7 well as in our fisheries management strategies some of
8 the implications of changing conditions out there in the
9 oceans. We see increasing demands for coastal and
10 ocean uses, and I think the response to those manifest
11 in some of the discussions around ocean policy and
12 coastal and marine spacial planning.

13 So all of these things are on the
14 horizon, all of these things offer great challenge, and
15 all of these things offer us the opportunity to, I think,
16 work together effectively in both science and
17 management moving forward.

18 Mr. Chairman, I just wanted to mention
19 just a couple of other things that are hot topics for
20 us right now, and I'm not going to go into great detail
21 on any of them, but I will mention them, and if the
22 Council permits for Q & A, I'll be happy to the extent
23 that times allows and if members are willing to address
24 a couple of questions around them.

1 No particular order. Well, I did
2 mention ocean policy and coastal and marine spatial
3 planning. This is a topic that you've discussed in
4 great detail. It continues to be a topic that we spend
5 a lot of time on. The National Ocean Council met for
6 the first time in mid-November. There are two groups
7 under the National Ocean Council. At the federal level
8 that we deal with, one is a science group; the other is
9 a management group. The management group, which I will
10 represent NOAA as a member, Sally O'Zell, our policy
11 director will co-chair that group. And we meet for the
12 first time on Friday, so we look forward to continued
13 dialogue on moving forward on some of these ocean policy
14 issues at the national level and certainly as they
15 effect regional implication.

16 I'm happy to look forward to continue
17 the opportunity to dialogue with you so that we can
18 represent the regional interest particularly fishery
19 managers in that process.

20 We have coming out of a number of
21 deliberations centered in New England embarked upon two
22 efforts of national significance that I want to just
23 note. One of those is a management review. This was
24 initiated, again, out of New England, the concept being

1 that we face a lot of new challenges.

2 We have faced in recent years a lot of
3 new challenges that have visited upon the agency, the
4 council system, certainly our interactions with the
5 interstate commissions, the science centers, and the
6 general public as we have struggled through what it
7 means to end overfishing and rebuild stocks under the
8 reauthorized Magnuson Act. And so we agreed to
9 undertake a management review, again, centered first in
10 New England to look at the way that those different
11 entities interact in the management process. This was
12 something that we had discussed at the Council
13 Coordinating Committee meeting in May up in Anchorage.
14 Rick had specifically noted that if we were going to do
15 something that was focused on New England because of the
16 obvious interactions between the Mid-Atlantic Council
17 and the New England Council that there should be an
18 immediate pretty clear connection with the workings of
19 this council, and so we've kept that in mind as we've
20 gone forward.

21 And then most, I think, important aspect
22 of this endeavor that I think many of you might already
23 be aware of is the fact that we were fortunate enough
24 to convince Pres Pate to on a contract basis to us,

1 oversee that management review. And the process
2 involves a series of interviews with participants.

3 We expect to get a first set of
4 recommendations in the not too distant future which will
5 inform a second wave of interviews and ultimately yield
6 to us a series of actionable recommendations with
7 respect to process improvement going forward. And so,
8 if you have questions about that, I'm happy to address
9 them, as I'm sure Pres is as well. In a like fashion,
10 we have agreed to undertake a science workshop that's
11 focused particularly on some of the challenges that
12 we've faced in the setting of ACL's, and that workshop
13 is under development right now, again, jointly between
14 our staff and the Council's.

15 All of you have been involved in some
16 fashion or another in the first two Managing our
17 Nation's Fisheries Conferences. This is not that.
18 But what we do think is that in this particular case we
19 might actually be in a position to build sort of a series
20 of smaller workshops that build to a third Managing our
21 Nation's Fisheries Conference.

22 And that's the concept that is under
23 development. That's the concept under which we are
24 pursuing this initial science workshop which we expect

1 to happen in early 2011. And you'll see more detailed
2 information on that very soon.

3 Catch share policy, as you know, came
4 out just a couple of months ago. We continue to believe
5 that catch share programs offer a potentially valuable
6 tool in addressing many of our fishery management
7 challenges.

8 If you look at that catch share policy,
9 clear throughout is that catch share programs, as you
10 well know, are not mandated or prescribed for any
11 particular fishery, but the policy does set forth some
12 general guidance that we think might be valuable to
13 councils as they look at catch share programs going
14 forward. It also establishes or sets out the way in
15 which we will continue to support the implementation of
16 catch share programs where councils are in a position
17 and choose to pursue those types of programs.

18 Similarly, we have been, as you well
19 know, for a while developing an aquaculture policy.
20 That's not out yet, but we expect the next iteration of
21 that aquaculture policy to be out for one last round of
22 public review before it is finalized, again, hopefully
23 early in 2011.

24 I would say a word or two about budget;

1 although, there's not a whole lot to say because we are
2 still very much in sort of a land of uncertainty with
3 respect to how fiscal year '11 is going to shape up,
4 running the gamut from -- you know, potential full year
5 continuing resolutions at current or even reduced
6 rates, but also still possible is some type of an omnibus
7 package, and that has great implications for many of the
8 priorities that we all share.

9 And we have a Council Coordinating
10 Committee meeting in mid-January, and hopefully we'll
11 have a little more clarity around our budget
12 circumstance when we get to that meeting, and we'll be
13 able to talk about its implications for 2011 going
14 forward. The last thing I'll say, Mr. Chairman, is that
15 by way of personnel, I think many of you know that Steve
16 Murowski is moving on. One of the great
17 disappointments for me is the fact that I'm going to be
18 losing Steve; although, as I have said to him, I
19 certainly understand the personal and professional
20 motivations that are sending him to the sunny climes of
21 St. Pete to work for the University of South Florida,
22 particularly at a time right on the heels of when he was
23 so heavily involved in so many of the
24 Gulf-oil-spill-related issues.

1 I mean, obviously, this is a great
2 opportunity for Steve, and those are going to be big
3 shoes for us to fill, which we are actively engaged in
4 trying to do. You all are unfortunately for the most
5 part stuck here, but we have a little going-away event
6 for Steve up in Silver Spring tonight, and I'll be
7 heading from here ultimately finishing my day up there
8 with Steve.

9 One of, I think, the great -- I won't say
10 surprises to me -- but one of the great pleasures for
11 me in coming into the position of assistant
12 administrator has been just the ability to work with a
13 tremendously smart, capable, and committed group of
14 people all around the country -- in the science centers,
15 in the regional offices, and in headquarters. You
16 know, I sat where many of you sit, as you know, and did
17 not always have the appreciation for the dedication and
18 the diversity of expertise that exists within NOAA
19 fishery service. And Steve represents, obviously, a
20 significant part of that.

21 But I did want to also take the
22 opportunity to acknowledge the work of Pat and Nancy and
23 their teams, particularly in light of all the challenges
24 that we have faced in recent years, and hope to continue

1 to depend upon them for support going forward and look
2 forward to working with them in this capacity.

3 So, Mr. Chairman, it's a great pleasure
4 to be back here with you, and I'm happy to take any
5 questions that the members might have.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 Eric, thank you very much. I just want to take the
8 opportunity to thank you for taking this time out of your
9 schedule that we know is very busy and spending the last
10 three days with us. We very much appreciate that, and
11 we're glad to have you back, particularly given your
12 history with this council and experience at the state
13 level. So we very much appreciate that.

14 As you pointed out, the coastal marine
15 spacial planning issue is one that's very much active
16 here in the Mid-Atlantic. We're engaged very actively
17 with MARCO trying to achieve an integrated role for the
18 Council in the regional planning body. It's not clear
19 yet how MARCO is going to relate to that regional
20 planning body, but we remain very active on that front,
21 and hopefully over the course of the next six months as
22 that evolves, we'll have a better resolution of that.
23 But we certainly hope to have an effective voice in that
24 regional planning body here at the council level. But

1 questions? Yes. David Pierce.

2 DAVID PIERCE: Yeah. Thank you, Eric,
3 for your update and also for all the assistance that you
4 have provided and will provide. Later on today when
5 you're with Steve -- and I wish I was there also giving
6 my congratulations to Steve, who I've known since the
7 1970s when he first started with the center working on
8 surfclams, ocean quahogs -- you will be there, and we'll
9 be here. And at 4:30 we have a scoping session for
10 monkfish Amendment 6, and that's the management plan
11 that both the New England Council and the Mid-Atlantic
12 Council are responsible for.

13 The amendment will deal with or focus on
14 catch share management, ITQ management, and perhaps
15 other forms of catch share management. In light of the
16 fact that you highlighted during your remarks the new
17 catch share policy management policy of NOAA, are you
18 in a position at this time to comment on whether or not
19 the service will be in a position to consistent with that
20 policy provide both councils with the needed support,
21 technical support primarily for moving forward in a well
22 thought out way, effective way, moving forward with
23 catch share management for monkfish?

24 ERIC SCHWAAB: Certainly, David, thank

1 you. In a general sense, I can absolutely offer
2 support, and one of the points of focus of the catch
3 share policy is a commitment on the part of the agency
4 to provide just that kind of technical support.

5 So the short answer is yes. The details
6 of that obviously will fall in the same kind of challenge
7 that we face with all the other prioritization decisions
8 that we have to make, and so I have to stop short of,
9 I guess, writing a blank check on Pat's account.

10 But certainly, we'll be here with you to
11 help in any way that we possibly can. It's a priority
12 of the agency's. It's something that we see great
13 promise for. Obviously, one of the other challenges
14 that we have in light of this continuing resolution is
15 the catch share budget, which envisioned a fairly
16 significant increase going into fiscal year '11. It
17 still remains to be seen how that's going to play out,
18 and obviously we have some significant commitments to
19 programs that are underway in relation to budget
20 resources that we're going to have to once the dust
21 settles and we know what we have work hard to meet. So,
22 in part on the financial side, we're in a bit of a
23 difficult situation because we don't know what we're
24 going to have in an area where there was a particular

1 significant new investment envisioned in that FY '11
2 budget.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 Other questions? Okay. Eric, again, thank you very
5 much for addressing the Council.

6 ERIC SCHWAAB: Thank you all. Mr.
7 Chairman, thank you.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Thank you. At this point I'd like to welcome and
10 introduce the new commander of the 5th District here in
11 Virginia, and that would be Rear Admiral Dean Lee.
12 Welcome, Admiral Lee.

13 REAR ADMIRAL DEAN LEE: Well, thank
14 you, Mr. Chairman. I am your Mid-Atlantic region
15 federal enforcement partner, if you will, covering from
16 New Jersey down through North Carolina. And I just
17 wanted to take a few minutes this morning to come over
18 here, since my office is right here in Tidewater, and
19 pledge my support to you in this body for your cause.
20 I'm a avid recreational fisherman myself. I have three
21 fishing boats much to my wife's chagrin, and I want to
22 make sure that you guys get this right so that there's
23 some fish left over when I retire and have the time to
24 go out there and catch them. So just want to let you

1 know your cause is important to me.

2 I'm not going to be able to stay much
3 longer. I have a fairly ambitious schedule today. But
4 it was good to meet some of you, and I want you to know
5 that if you have issues, enforcement issues, that come
6 up in my region, I would like to personally know about
7 them, so we can fix that. All right. Thank you very
8 much, sir.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Admiral, thank you, and again welcome. I look forward
11 to working with you on those issues. Thank you very
12 much.

13 At this point, we will get started with
14 the agenda for the day, and I'll look to Jack
15 Travelstead, Chair of our Demersal Committee. Jack.

16 _____
17 2011 RECREATIONAL MANAGEMENT MEASURES

18 SUMMER FLOUNDER

19 JACK TRAVELSTEAD: Good morning,
20 everyone. Again, this is a joint meeting. We'll
21 proceed in our usual fashion, first hearing from
22 Jessica, and then we'll open it up for questions on that
23 information and then proceed to develop the
24 specifications for 2011. Starting with summer

1 flounder. Jessica.

2 JESSICA COAKLEY: Good morning,
3 everyone. The information we'll be talking about is
4 behind Briefing Book Tab 3. Behind that you have THE
5 Monitoring Committee recommendations for recreational
6 measures, Advisory Panel recommendation, the staff
7 memo, and any letters that were received up to the time
8 of Briefing Book mail-out from the public.

9 So the decision process for
10 recreational measures started back in August with the
11 Joint Council and Board meeting when recommendations
12 were made for the overall TAC and TAL for this fishery,
13 a commercial quota and recreational harvest limit.

14 The proposed rule has filed, and the
15 proposed rule is consistent with the recommendations of
16 the Council and Board. So on November 18th the
17 Monitoring Committee met, reviewed the information
18 available, and formed their recommendations followed by
19 the Advisory Panel the same day, which brings us to our
20 meeting today to talk about all that information and
21 make decisions for 2011 summer flounder recreational
22 measures.

23 Just a quick review of the management
24 history. The recreational harvest limit through time

1 going back to 1993 is the white line that's given. The
2 yellow line are the landings in millions of pounds. As
3 you can see, earlier in the time series the landings came
4 in quite a few years over the recreational harvest
5 limit. The most recent two years the landings for 2009
6 came in under the recreational harvest limit, and based
7 on Waves 1 through 4 information, which was available
8 to the Monitoring Committee and advisors, the landings
9 are projected to also come in under the 2010
10 recreational harvest limit.

11 The 2011 proposed limit would be 11.44
12 million pounds. A closer look at those numbers: catch
13 for 2010 based on Wave 1 through 4 information and then
14 using the 2009 prior year proportions to fill out Waves
15 5 and 6, about 24 million fish are projected to be caught
16 in 2010, which is down a little bit relative to 2009;
17 1.5 million fish are projected to be landed in 2010,
18 again, a little bit down from those 2009 numbers; and
19 the landings were projected at 4.8 million pounds based
20 on that Wave 1 through 4 information; about 94 percent
21 of the fish that were caught in 2010 were released.

22 So for 2010 measures, conservation
23 equivalency was used to manage, as it has been for quite
24 a few years now. The nonpreferred coastwide measure,

1 landings by state, again this is based on Wave 1 through
2 4 information, and this is what's in the Monitoring
3 Committee memo as a table, and comparing that to the 2010
4 target, all of the states were projected to come in
5 substantially under the 2010 target. And that ranged
6 anywhere from 5 percent, which is the lowest amount, in
7 Delaware to as high as 67 percent under the 2010 harvest
8 limit. Now, you'll recall the 2011 harvest limit was
9 an increase from the prior year. So, comparing the 2010
10 recreational harvest limit to the projected landings,
11 it's a few million pounds lower based on Wave 1 through
12 4.

13 The 2011 harvest limit is 11.44 million
14 pounds; therefore, on a coastwide basis, there's no
15 required reduction. Ooh, I'm sorry. That would be
16 helpful. I'll just leave it up there for a second for
17 everybody to digest. Bottom line: no required
18 reduction.

19 So the Council and Board are going to
20 need to make a decision today whether they want to manage
21 on a coastwide basis or use conservation equivalency to
22 manage summer flounder.

23 If conservation equivalency is
24 selected, the plan requires that a nonpreferred,

1 coastwide measure and a precautionary default need to
2 be specified. The methods that are used: The state
3 specific reductions are calculated based on 1998 base
4 years, and individual states adjust their measures so
5 they can make seasonal adjustments, possession size
6 limit adjustments using the reduction tables that are
7 in our memo on a coastwide basis, but those are
8 calculated for individual states. And the cumulative
9 reductions of season and possession size combinations
10 are not purely additive. So I want to make sure that's
11 clear. There is an interactive effect where you don't
12 get credit for both occurring at the same time. So
13 there's an adjustment for that. Assumptions for 2011
14 analyses are the same assumptions that are made every
15 years. We assume effort and availability will be the
16 same in 2011 as it is in 2010, recognizing that each year
17 those assumptions are violated.

18 There's also -- there are year class
19 effects that factor into all of this, and there's more
20 detail in the Monitoring Committee memo, but I want to
21 point out the strong 2008 and 2009 year classes.

22 So, for '07, '06, '05, in those prior
23 years, you'll recall that the incoming year classes were
24 either average or below average. Those are essential

1 the year classes that the fishery is operating on now
2 that are above that 17, 18, 19-inch size.

3 The 2008 fish will become available in
4 the 2011 fishing year. That was a very strong year
5 class. The 2009 year class, that would become
6 available in 2012. So, for 2011, it will be in that
7 9-inch to 13-inch size range, something around there.
8 That is the largest year class in the entire time series
9 going back to 1982. So something to bear in mind as
10 people think about how these regulations are adjusted,
11 that availability does affect what's landed in
12 conjunction with effort and other factors. People
13 should be aware of that when they plan their regulations
14 for the upcoming fishing year.

15 Other factor, angler behavior is
16 difficult to predict. We know that angler behavior
17 changes in response to seasonal adjustments, to
18 adjustments to possession limits, things like that; but
19 we can't predict that, so we assume that's constant when
20 these analyses are done.

21 So, for the staff recommendations, I
22 recommended coastwide measures purely based on data
23 considerations. I didn't think about fairness or
24 equity to individual states. I was really thinking

1 that the data are less precise at lower levels of
2 stratification, so there's less and less data to work
3 with to evaluate measures.

4 Coastwide measures provide the
5 opportunity to create a new base year or years to base
6 management off of. And if conservation equivalency is
7 used, then the next higher level of stratification would
8 be regional stratification.

9 For 2011 there was no baseline data from
10 which to derive coastwide measures. In the past as
11 states have moved towards liberalizing their measures,
12 data became sparse, had to be borrowed from surrounding
13 states. Given that all states would have the
14 opportunity to liberalize this year, there's no states
15 to borrow from for 2010 data to figure out how to
16 liberalize those 2011 measures based on that
17 information.

18 The only state that had a minimum size
19 low enough to try to evaluate that information was North
20 Carolina, and North Carolina length compositions are
21 not representative of the coast and what we see for other
22 states. So this was a very data limited situation which
23 we expected was probably coming at some point, but it's
24 arrived this year.

1 So the staff recommendations for
2 conservation equivalency and coastwide measures are
3 based on ad hoc approaches. It's detailed in the memo
4 looking at the information, trying to identify
5 something that seems reasonable. So nonpreferred
6 coastwide or a preferred coastwide measure could be an
7 18 1/2-inch minimum fish size, two fish possession
8 limit, and a season from May 1 to September 30.

9 I noted in the memo that even with this
10 set of measures, depending on how availability and
11 things change next year, even with those measures there
12 is the potential to go over on a coastwide basis with
13 that set of measures. The precautionary default
14 measure is identified as 20 inches, two fish, and a open
15 season from May 1 to September 30. This set of measures
16 appeared to be more restrictive than what we might
17 expect any individual state would put into place. In
18 the plan, precautionary default is specifically
19 supposed to be calculated based off of the state with
20 the highest reduction, but given no state would have a
21 reduction, this seemed logical, to look at this year's
22 regulations and come up with something that seemed like
23 it would be more restrictive than anyone would
24 liberalize to.

1 So the Monitoring Committee looked over
2 the staff memo and the information through Wave 4, and
3 it stated that they're unable to reliably determine if
4 the coastwide measure presented in the memo by staff
5 will constrain landings to the recreational harvest
6 limit.

7 They stated that they lack the data to
8 determine what those measures should be for the 2011
9 fishing year. To collect the data one would need to
10 apply the ad hoc measures as described in the staff memo
11 and then review data the subsequent year to determine
12 what the fishery performance was relative to that.

13 They also stated that the staff proposed
14 precautionary default should be sufficiently
15 restrictive for any individual state if it was put into
16 place. The advisors also looked at the information and
17 heard the Monitoring Committee recommendations from
18 earlier in the morning on the 18th, and they came to
19 consensus on the idea that they liked state-by-state
20 conservation equivalency because of the flexibility it
21 offered.

22 We also talked at length about some of
23 the data issues, and they suggested that the Council and
24 Board should find ways to collect more data, intercepts,

1 samples, and information sufficient to support the
2 management process at that level.

3 So yesterday afternoon Wave 5 became
4 available, so we pulled that information together. So
5 the projected landings are just slightly higher than the
6 -- the projected landings based on Waves 1 through 5 are
7 slightly higher than the projected based on Waves 1
8 through 4 information.

9 It was about 4.8 million pounds based on
10 the Wave 1 through 4, so this is just up slightly from
11 that, still substantially less than the 2010
12 recreational harvest limit and the 2011 proposed target
13 of 11.44 million pounds. So there's no required
14 reduction on a coastwide basis.

15 Looking at the individual states, these
16 are the 2010 projected numbers. I'll give you a second
17 to take them in relative to the target. And, again, no
18 states would be required to take a reduction. So the
19 Council and Board are going to need to make the decision
20 coastwide or conservation equivalency. If
21 conservation equivalency, we need a nonpreferred
22 coastwide and precautionary default identified for the
23 2011 fishing year. And that's all I have for the
24 presentation.

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: Okay. Questions. Vince?

3 VINCE O'SHEA: Thank you, Mr. Chairman.

4 In our briefing book, the last page, there's an e-mail
5 from one of the advisors, and I had a question about
6 that. And it said -- there's a statement in there that
7 says MRFSS only interview successful anglers that
8 caught fish.

9 And since it's coming from an advisor,
10 I thought maybe it would be important -- and my
11 understanding is that if they intercept somebody and
12 they don't have any fish, they put zero down.

13 JESSICA COAKLEY: Yeah, that's
14 correct.

15 VINCE O'SHEA: Thank you.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Pat.

18 PAT AUGUSTINE: Thank you, Mr.
19 Chairman. Good report, Jessica. A question: That
20 little amount of difference that Wave 5 made to the added
21 harvest has no significant impact on your decision to
22 recommend the 18 1/2 precautionary or the coastwide
23 measure?

24 JESSICA COAKLEY: No, it doesn't. And

1 when the Wave 1 through 4 projection was done, it stated
2 in the memo that it likely slightly underestimated the
3 landings because we know that some states had expanded
4 their seasons by a few more days into the fall.

5 So those new numbers that were updated
6 with 1 through 5 weren't unexpected. And given the ad
7 hoc approach, such a little difference it really
8 wouldn't change the staff recommendations.

9 PAT AUGUSTINE: Thank you for that
10 clarification.

11 COUNCIL COMMITTEE CHAIRMAN JACK

12 TRAVELSTEAD: Red.

13 RED MUNDEN: Thank you, Mr. Chairman.
14 Jessica, could you go back one slide, please. Now, that
15 has Wave 5 data included in it, that slide?

16 JESSICA COAKLEY: Yes, it does. That
17 table's been updated based on that information.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: I'm sorry. Pres.

20 PRESTON PATE: Jessica, you made
21 reference several times to the lack of data being a
22 constraint for some of the analysis in particularly
23 developing the coastwide alternative. Could you
24 quantify a little bit the deficiencies there, what

1 number of link measurements you had coastwide and if you
2 can any particular states that were notably deficient
3 in that in the numbers that were provided; and also where
4 can you identify a minimum level of measurements that
5 would have allowed you to do the analysis that you
6 couldn't do because of lack of the data; just to try and
7 get some feel for how deficient the sampling is and if
8 we're looking at orders of magnitude in the increasing
9 of the intercepts and the measurements and the like.

10 JESSICA COAKLEY: Sure. Behind the
11 Briefing Book Tab 3 in the Monitoring Committee memo on
12 page 15, there's a table that gives proportions of
13 measured fish less than the minimum sizes, but it also
14 gives the sample sizes over time for the fish that are
15 measured.

16 And on a coastwide basis, typically
17 about 2,000 fish are measured throughout the course of
18 the entire year. For 2009 -- well, 2008, 2009, and 2010
19 that number has been dropping. In 2009 about 1500 fish
20 were measured coastwide, and these are fish that were
21 landed are measured; and in 2010 for the first four
22 waves, about a thousand fish were measured. So
23 essentially for the landed composition, when you then
24 go and break that out by individual states, often

1 individual state sample sizes end up being very small.
2 I know Massachusetts we've had years with as few fish
3 measured as 20 or 30 fish. And then that's used in the
4 reduction tables, or when it's that low we can't use that
5 information; we need to borrow from surrounding states
6 to supplement the sample size.

7 The particular problem we're in this
8 year is there are very few discarded fish that are
9 measured, and the majority of discarded fish that are
10 measured that comes from the For-Hire Survey, if they
11 have a service on board and are able to measure. So we
12 have very few discard lengths.

13 So, when you want to look at
14 liberalizing regulations, you're looking at fish that
15 are less than the legal size, and that's where we have
16 very little information to work with. So I didn't have
17 the information available to calculate a coastwide
18 measure.

19 And the Technical Committee met the day
20 before the Monitoring Committee to talk about how they
21 were going to deal with this. And they're going to need
22 to look at prior years information to see if they had
23 lower minimum sizes in previous years and can try to use
24 those tables to inform their analyses. Essentially,

1 estimates themselves, the precision is relatively good
2 on the summer flounder estimates on a coastwide basis.
3 As you break it out, it becomes a little less precise,
4 but it's one of our more precisely estimated species in
5 terms of looking at those proportional standard errors.
6 When those estimates are done, they have a lot more
7 information because they're not doing it by length.

8 When we're trying to figure out what the
9 regs are, we're trying to get into the information where
10 we actually have length to help us evaluate those
11 things. And for the MRFSS estimates themselves, that's
12 one part of the information, but they have a lot of
13 information on how many fish were caught even if they
14 weren't measured and effort information and all those
15 other pieces being pulled together. So they weren't
16 particularly concerned about that. The concern really
17 comes in when they are trying to keep out what the
18 effects of the specific minimum size regulations are --
19 those type of things.

20 COUNCIL COMMITTEE CHAIRMAN JACK

21 TRAVELSTEAD: Dave Simpson.

22 DAVID SIMPSON: Thank you, Mr. Chair.
23 Yeah, there's also -- I think the size composition
24 release fishery is really important, and as you know,

1 Connecticut has a volunteer angler survey program. We
2 get hundreds of lengths a year from that survey, and it
3 greatly enhances our ability to characterize that
4 release component relative to MRFSS.

5 Maryland I know has one. I think some
6 other states do. And I think we may need to tap into
7 that information more to see what's going on because --
8 you know, the release rate is getting alarmingly high.
9 Ninety-four percent sounds like only a little bit more
10 than 90 percent, but when you start looking at it and
11 you apply even a conservative 10 percent discard
12 mortality rate, this pushes us to a point where dead
13 discards are accounting for 50 percent more deaths than
14 harvest, 9.4 dead fish for every six harvested.

15 And if -- you know, you go back further
16 in the assessment, we used to use a 25 percent discard
17 mortality rate, and a lot of people still believe that
18 may be higher rather than lower in that range of 10 to
19 25. And that would suggest we're killing 23 fish for
20 every six we harvest or four times the amount.

21 So this evolution of ever increasing
22 minimum-size-based management is really -- is
23 undermining conservation. And it kind of takes us back
24 to the discussion that was more really topical last

1 year, and that is, we've shifted the recreational
2 fishery almost exclusively toward females.

3 Males grow slower, and so our mortality
4 is unequally distributed across ages and across sexes,
5 and if anything, we don't want to be disproportionately
6 harvesting females. So I really do think we need to
7 think about creative ways to address -- efficiently
8 address this discard mortality problem, get that
9 minimum size down. I still believe some type of slot
10 limit will help us do that so you can not let mortality
11 of small fish get out of hand. But this is becoming
12 really alarming. 94 percent is just unacceptable for
13 a food fish fishery. It's unacceptable for any
14 fishery.

15 It's one thing to take 90 percent in
16 striped bass where it's largely a catch and release
17 fishery anyway, and the perceived benefit is the sport
18 of catch and release. But this is a harvest fishery.

19 So, Jessica, can you remind me of the
20 male size composition? If we could get down to 17
21 inches, does that shift mortality more toward males than
22 where we currently are with an average of 18 or 19 inches
23 on the coast now?

24 JESSICA COAKLEY: Off the top of my

1 head, I'm not real sure where the big shift in ratios
2 might be, so I can't comment on that on the fly without
3 really going through that information.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: Dave Pierce. Dave.

6 DAVID PIERCE: Yeah. Jessica, you
7 mentioned that, in deed, we do have a strong 2008 and
8 2009 year class. I didn't catch what you said regarding
9 whether or not the 2008 year class was in the 2010
10 fishery, that is, this year's fishery. Was it in this
11 year's fishery?

12 JESSICA COAKLEY: No. The 2008 year
13 class the fish this year would have been just big enough
14 for the North Carolina 14/15-inch minimum fish sizes.
15 And if you look at their landings in 2010 relative to
16 last year, North Carolina was up a little bit. So that
17 may or may not reflect that.

18 The 2008 year class would have for this
19 past season just been undersized by an inch, two inches,
20 something like that. That should move into the fishery
21 next year into those 18/19-inch categories, and the 2009
22 would move into the fishery in 2012.

23 DAVID PIERCE: Okay. So the point that
24 you're stressing on behalf of the Monitoring Committee

1 is that whatever we do today in terms of liberalization
2 could have a dramatic impact on total catch next year
3 because the 2008 strong year class will be in the
4 fishery, and so they will be available. We run the risk
5 of having an unexpectedly -- well, expectedly high
6 catches that could cause us some grief relative to the
7 target. And, of course, 2009 year class factors into
8 2012. Okay.

9 So I'd assume, therefore, that the
10 reason why, maybe the principal reason why, every state
11 appears to have a dramatic underage for 2010 has been
12 the fact that just the year classes weren't as strong,
13 weren't as available, therefore, so landings were down.
14 That's my assumption. With that said, did the
15 Monitoring Committee offer up an opinion regarding
16 whether or not we are now totally rebuilt?

17 Because of the tremendous overage that
18 we've had of the recreational fishery take in 2010, can
19 we now conclude that we are rebuilt, we have reached our
20 target? I know there was some statements made earlier
21 on months past, that we might be at the target. But now
22 with this underage, do we have any insights offered up
23 as to whether we're there? There's a lot of fish that
24 aren't caught.

1 JESSICA COAKLEY: Well, when we looked
2 at the information, the projections, back in August with
3 the SSC, it appeared that based on the projections, that
4 the stock should be rebuilt now, but we won't actually
5 know that until we get an update in June to go back and
6 calculate the 2010, November 1 SSB, and then we'll know
7 if it actually did come to fruition or not.

8 The other thing: You were right in
9 terms of what the monitoring committee was trying to say
10 with those year classes, that '010 was under, many
11 states were under in '09, and essentially those were
12 weaker year classes feeding into the fishery. The
13 Monitoring Committee had suggested that individual
14 states or especially states with volunteer angler
15 surveys go back into their information and look at their
16 length compositions to see if they see these year
17 classes moving through, because availability of year
18 classes is often very local.

19 It may affect some states, but not
20 others; it may affect some areas, not others; or it may
21 affect everywhere. It's very hard to predict that. So
22 that was one of their suggestions: If a state wants to
23 try to get a better handle on what might be available
24 to them next year, they may see that in their length

1 composition.

2 DAVID PIERCE: With that said, my
3 understanding is that our member of the Monitoring
4 Committee, Paul Carusso, is looking at -- you know, the
5 data that we have to see, indeed, what the 2010 length
6 frequency was, and that will give us some further
7 insight into whether or not there was an absence of year
8 class strength that resulted in our having such a
9 dramatic reduction in landings. Thank you.

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Go ahead. Do you have a comment on that
12 issue?

13 JAMES WEINBERG: Yeah. Thanks. I
14 just wanted to clarify when the update will be done.
15 Jessica basically characterized it correctly. But
16 Mark Teceiro is the lead assessment person doing this
17 work, and he's also going to be very involved this spring
18 doing the winter flounder stock assessments for the
19 SARC. So we have committed to doing the summer flounder
20 update this spring and summer, but it may not be right
21 in June.

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: Thank you. Pete Himchak.

24 PETER HIMCHAK: Yes. Thank you, Mr.

1 Chairman. Just a comment on what David was talking
2 about. Yeah, I see a lot of parallels with striped bass
3 going up to 38 inches. I'm glad
4 Dr. Pierce brought up the issue about the 2008 year class
5 because sometimes we don't know how to deal with good
6 news.

7 And I guess my question to Jessica is:
8 The precision on these estimates are they pretty good
9 from year to year to essentially tell us that, yeah, we
10 really did a good job staying under the cap in 2010?

11 Because if the outlook is so good, the
12 pressure's going to be on the agencies to really
13 liberalize for next year, and I think that would be --
14 that could really blow up in our face. Thank you.

15 JESSICA COAKLEY: Well, in terms of the
16 precision of the estimates by state, they range from 9
17 to 35 percent depending on which individual state you
18 look at. The PSE's improve as you aggregate on a
19 coastwide basis. Toni, do we have numbers for
20 Mid-Atlantic or North Atlantic? It's typically 10
21 percent or less I know on a coastwide.

22 TONI KERNS: On a coastwide level I
23 think it's around six for summer flounder right now. I
24 haven't done the calculations for the regions. But I

1 have the website up right now. I can do it in two
2 seconds. I'll let you know in a minute.

3 COUNCIL COMMITTEE CHAIRMAN JACK

4 TRAVELSTEAD: Anything else, Pete, on that? Pete
5 deFur.

6 PETER DEFUR: Thank you,
7 Mr. Chairman. I have the same question as Pres, but I
8 was looking back at this table. It's the same one in
9 the briefing book, right, Table 11?

10 JESSICA COAKLEY: It's similar. the
11 landings column has been updated, the 2010 landings, to
12 reflect the Wave 1 through 5 projections. But the
13 numbers were very close. So I think for Mass. instead
14 of it saying 45 it now says 46 in this table.

15 PETER DEFUR: I see. I see.

16 JESSICA COAKLEY: I mean it is small
17 changes.

18 PETER DEFUR: Yeah, very small. Okay.
19 The question I had -- I guess because Pres asked the
20 original one, there's a subsequent one. Are we able to
21 use additional sources of information to estimate those
22 discard that Dave Simpson was indicating that they're
23 state-based data? It seems to me that there should be
24 a way to use a bootstrapping technique or some similar

1 analysis to get a better understanding of those.

2 JESSICA COAKLEY: If states agree to
3 conservation equivalency, then the individual state
4 staff start developing their technical proposals. And
5 so over Christmas and into early January, they'll pull
6 together whatever information they can find to help them
7 identify their measures.

8 And so for Connecticut and Maryland,
9 they often supplement their information with their
10 volunteer angler data. For some states that don't have
11 that we need to rely entirely on the information
12 available through MRFSS.

13 But they do have an opportunity to pull
14 those things in in appropriate ways and that gets
15 presented to the Commission's Technical Committee to
16 review all of their methods end of January.

17 COUNCIL COMMITTEE CHAIRMAN JACK
18 TRAVELSTEAD: Chris.

19 CHRISTOPHER ZEMAN: I have about two
20 questions. One, were there any MRIP improvements to
21 the MRFSS data this year that actually went into effect?

22 JESSICA COAKLEY: No. There are still
23 other pilot projects that are underway and the methods
24 being developed, and my understanding of the plan for

1 2011 is the first step will be rolling out new estimation
2 methodologies which will, if they change that, they'll
3 still being collecting the information in the same way
4 and be able to compare that to a few prior years to get
5 a handle on how that affects the estimates.

6 And then throughout the year they're
7 going to be rolling out components of the registry which
8 will alter how the effort data is collected as well as
9 other of the data collection pilot projects. So it's
10 going to be a process that starts this year, and I expect
11 it will extend as projects finish for the next couple
12 years.

13 CHRISTOPHER ZEMAN: My follow-up is:
14 Well, were there any like -- like what was the reason
15 why there were so few fish measured; is there like a
16 resource issue here where there's fewer resources going
17 toward MRFSS?

18 JESSICA COAKLEY: I don't have the
19 answer yet, but I have put that question in with a series
20 of questions. I know that the person that I put them
21 in to is working on them at S & T. But I'm not a hundred
22 percent sure why there were fewer intercepts this year
23 -- or last year.

24 CHRISTOPHER ZEMAN: I'll follow up that

1 second point. Like, were the people at MRFSS surprised
2 by these results? Was there any sort of commentary on
3 this, that most states were 30 to 60 percent below their
4 quotas for landing limits?

5 JESSICA COAKLEY: No. We didn't
6 specifically ask the S & T staff those questions;
7 however, your Monitoring Committee was not particularly
8 surprised by these numbers, given the year classes that
9 they had seen. It wasn't unexpected.

10 And I also want to note that all of these
11 estimates there are a series of wave review meetings
12 that take place. I know states send a lot of their state
13 biologists to review that data and take a first look at
14 all the estimates for many species in the regions the
15 changes in catch rates, changes in effort rates, to try
16 to flag anything that might be unusual, and nothing was
17 raised at that meeting either.

18 COUNCIL COMMITTEE CHAIRMAN JACK
19 TRAVELSTEAD: Chris.

20 CHRISTOPHER ZEMAN: Let me just follow
21 up with a comment. The reason why I asked that is
22 because just from my personal experience being in New
23 Jersey, this past summer has been one of the nicest
24 summers I can remember in years. Every weekend was

1 sunny except for maybe one or two the entire summer.
2 Even the fall was beautiful. And so all summer long I
3 was expecting horrible data to come out of MRFSS, and
4 low and behold I'm surprised that we're actually
5 catching 50 percent less than New Jersey did last year.

6 I mean I should be jumping up for joy,
7 but I'm kind of concerned because, again, I'm seeing
8 that MRFSS is just sort of not -- I can't rationally --
9 I can't sort of explain these numbers.

10 And at the same time, for New Jersey
11 we're seeing black sea bass landings also down at the
12 same time. So I just don't know how to explain this
13 data. And I would love it if MRFSS when they put this
14 together did a report to us sort of like a saw report
15 that sort of tries to explain the data.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Red Munden.

18 RED MUNDEN: Yes. Thank you, Mr.
19 Chairman. To address Chris's question: In North
20 Carolina our intercept effort has not decreased; we just
21 don't encounter summer flounder that frequently. And
22 so we haven't backed off; we haven't had a reduction in
23 staff; we have continued to try to get the intercepts.

24 COUNCIL COMMITTEE CHAIRMAN JACK

1 TRAVELSTEAD: Mike.

2 MICHAEL LUISI: Thank you, Mr.
3 Chairman. I have to admit when I first saw the
4 18 1/2 inch minimum size, the nonpreferred coastwide
5 alternative, it just seems to me like it's awfully low.

6 I think a couple years ago we were
7 looking at 21, maybe 21 1/2 inches, and with the concern
8 that the 2008, 2009 year classes are going to be
9 recruiting to this fishery, I know in Maryland we've
10 been struggling for what seems like years to get to the
11 point where we haven't exceeded our targets; and this
12 coastwide alternative is less than what we've been
13 building up to.

14 So I just think that we certainly need
15 to take into consideration the development of these year
16 classes and really consider whether or not the coastwide
17 alternative is going to be something that we need to work
18 towards. Thanks.

19 COUNCIL COMMITTEE CHAIRMAN JACK
20 TRAVELSTEAD: I'm going to go back to Pete Himchak's
21 question about the precision of the estimates, and Toni
22 has the regional information.

23 TONI KERNS: So far the North Atlantic,
24 which includes Maine through Connecticut, it's 15. And

1 that's about average for the North Atlantic. It's
2 usually in the teens. And then for the Mid-Atlantic,
3 which includes New York through Virginia, it's six.
4 And it's usually fairly low. I think it's one of the
5 lower numbers in more recent years. And for the
6 Atlantic coast, which is Maine through Florida the way
7 it's broken up, it's 5.3 this year.

8 COUNCIL COMMITTEE CHAIRMAN JACK

9 TRAVELSTEAD: Pretty low numbers. Rick.

10 COUNCIL CHAIRMAN RICHARD ROBINS:

11 Thank you, Mr. Chairman. I just wanted to follow up on
12 the issue that David Simpson raised about discard rates
13 and associated mortalities and the potential sexual
14 composition or implications for sexual composition of
15 catch.

16 I share those same concerns, and I think
17 going back about two years ago the Technical Committee
18 or monitoring committee looked at the possibility of the
19 slot size, and I think they looked at the potential
20 increase in catch and associated fishing mortality, but
21 I don't know how specific that analysis was to the sexual
22 composition and the consequences of that. And so I
23 think that remains an important issue for research.

24 It's my understanding that there is a

1 project that's going to look at some of those issues
2 ongoing in the region are getting under way, and I think
3 Dr. John Boreman is playing an advisory role to that
4 recent project. But, John, I don't know if you could
5 just give us a sense of that briefly. John.

6 JOHN BOREMAN: Yeah. The project is
7 basically funded from a NOAA grant through the Northeast
8 Fishery Science Center to the partnership for the
9 Mid-Atlantic Fishery science. Dave Wallace and Eric
10 Powell and a number of others in the Mid-Atlantic.

11 And I've been brought in to start to
12 develop basically a scope of work for a management
13 strategy evaluation. We're looking at this issue of
14 the minimum size limit being so high that it's developed
15 into what seems to be almost a females-only fishery and
16 looking at ideas like slot limits and basically set up
17 a scope of work for this MSC that we would find some
18 modelers out there to model the population, run through
19 these different management scenarios, and determine if
20 there are other ways of addressing meeting the fluke
21 conservation equivalency that are not bound by the FMP.

22 It may be worthwhile -- you know,
23 looking into amending the fishery management plan
24 eventually to look at other ways to regulate fluke

1 without having to wind up with a females-only fishery
2 and this high discard rate that we're seeing. So the
3 first step is to have a workshop of the experts, and
4 we're looking towards the Technical Committee members
5 and Monitoring Committee members be meeting at the end
6 of next month to take half a day and just scope out what
7 types of modeling should be done, what scenarios should
8 be tested, and then follow on that with finding somebody
9 to do that work and coming back to these committees with
10 the answers and then forwarding any recommendations to
11 the Fishery Management Council, ASMFC, about a year from
12 now.

13 But, again, we're looking beyond just
14 what we can do within the current restraints of the FMP.
15 But just the problem in general and slot limits is
16 another aspect we probably will be looking at. Thanks.

17 COUNCIL COMMITTEE CHAIRMAN JACK

18 TRAVELSTEAD: Any further questions? David.

19 DAVID SIMPSON: Yes. Just to follow on
20 that a little bit. I'm really encouraged that it is
21 being looked at. I think last time when the Technical
22 Committee looked at it, they were trying to do it from
23 a conventional -- you know, approach of evaluating
24 alternatives that we do for management now, and they

1 threw their hands up: We don't have enough data,
2 there's only 20 lengths in the state, and so forth. And
3 it really does require a modeling approach. You have
4 to go right back into the assessment and explore new
5 ideas and open your mind up to changing the PR vector.
6 There was some resistance last time that, jeez, if you
7 do that, you'll change our PR vector, and that will
8 change everything.

9 Well, yeah, I think we're at a point
10 where if we really are discarding dead two, three, four
11 times the number of fish we're harvesting, something's
12 fundamentally broken and really needs to be addressed.
13 And I'm encouraged by what I hear in terms of the
14 approach. So, thanks.

15 COUNCIL COMMITTEE CHAIRMAN JACK
16 TRAVELSTEAD: Any further questions? If not we'll
17 need a motion to move forward. Red.

18 RED MUNDEN: Thank you, Mr. Chairman.
19 I move that we go with the advisory panel's
20 recommendation for conservation equivalency for summer
21 flounder management in the recreational fishery for
22 2011, and the nonpreferred coastwide measures would be
23 the same as listed at the end of the staff recommendation
24 memo, which would be: nonpreferred coastwide measure

1 of an 18.5 inch total length minimum size, two fish
2 possession limit, and coastwide open season from May 1
3 to September 30, 2011; a precautionary default measure
4 will be comprised of a 20.0 total length minimum size,
5 two fish possession limit, and coastwide open season
6 from May 1 to September 30, 2011. I make that on behalf
7 of the Council and the Board, Mr. Chairman.

8

COUNCIL COMMITTEE CHAIRMAN JACK

9 TRAVELSTEAD: Okay. We have a motion on behalf of both
10 the Board and the Committee and seconded by Peter DeFur
11 for the Council and by Pat Augustine for the Board.

12

Again, the motion is for conservation
13 equivalency in 2011 and the staff- recommended,
14 nonpreferred, coastwide and precautionary default
15 measures. We have those on the board. Any comments on
16 the motion? Pat Augustine.

17

PAT AUGUSTINE: Thank you, Mr.

18

Chairman. I personally have labored over whether to
19 support coastwide or conservation equivalency, and it
20 just seems to me that if we go with conservation
21 equivalency, we will establish a new baseline.

22

I tend to want to go that way. I've
23 presented to the Council and the Board that we should
24 go coastwide because we have to start and set a new

1 baseline. However, I think there are some other issues
2 that have to be addressed at the same time, and I would
3 be inclined to before the end of the meeting recommend
4 that we develop an addendum to correct the FMP so that
5 we can clearly identify how we would operate in the
6 future if we, in fact, go with coastwide; and we relate
7 that to having to commit to regional management so that
8 no state could be free of being controlled or being
9 grouped together. That's my major concern is we've
10 avoided addressing that issue for the last five or six
11 years. It's always not in my back yard kind of a
12 situation. But that's the reason I supported this.

13 I was ready to make a motion to counter
14 that motion that Mr. Munden made, but I decided New York
15 has paid the penalty. We have lived up to the
16 commitment of the Board and the Council.

17 We have been the most restrictive of all
18 the states around this table, and I think it's time for
19 us to give our fishermen at least for one year a little
20 relief in view of the fact that the throw-back rate in
21 our state is very high as in other states. That's my
22 rationale, Mr. Chairman. Thank you.

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: Thank you, Pat. Jan, we need a little

1 bit of work on the motion up there I think. Yeah.
2 Right after conservation equivalency put in, for 2011,
3 and then, with a nonpreferred. Okay. Does that
4 satisfy you, Red? Is that accurate?

5 RED MUNDEN: Mr. Chairman, I don't
6 think you need in the third line to repeat again 2011
7 consist of. Just say: With the nonpreferred coastwide
8 measure.

9 COUNCIL COMMITTEE CHAIRMAN JACK

10 TRAVELSTEAD: Consisting of?

11 RED MUNDEN: Yes.

12 COUNCIL COMMITTEE CHAIRMAN JACK

13 TRAVELSTEAD: Everyone's clear of the motion. Any
14 further comments on the motion? Adam.

15 ADAM NOWALSKI: Thank you, Mr.
16 Chairman. While I'll certainly be in favor of this
17 motion, I find myself having to have to consider the fact
18 that this is a relatively painless discussion because
19 we're all encouraged by the outcome here today.

20 And I don't think we can lose sight of
21 the fact that the issues that have caused this to be a
22 very contentious debate in the past remain, that we're
23 here in a good place today, but we haven't fixed a lot
24 of the underlying issues, and in fact, we have a number

1 of issues that are becoming worse.

2 We have an ever increasing discard rate,
3 over 90 percent three years in a row. This year we've
4 got states that have under harvested by 67 percent. On
5 a coastwide basis, we have a 43 percent underutilization
6 of the resource. When I look at the Commission's
7 mission statement, to promote the better utilization of
8 the fisheries, I find myself asking how is this better
9 utilization? So, again, while I support the motion,
10 I'm encouraged by what we will be able to accomplish
11 today, we haven't gotten away from these issues, and
12 you've heard the ongoing issues with MRFSS here. We're
13 not down to through Waves 1 through 4 sampling only a
14 little over a thousand fish. That's less than half of
15 where we were three years ago, only 25 percent of where
16 we were eight years ago.

17 And while the process here provides a
18 positive outcome, I can't say that I'm encouraged by all
19 the underlying information that we have and that it's
20 a process we can feel good about moving forward. And
21 I'm glad to hear from Mr. Augustine that he shares
22 similar concerns that we're going to have to look at the
23 FMP moving forward. Thank you.

24 COUNCIL COMMITTEE CHAIRMAN JACK

1 TRAVELSTEAD: John.

2 JOHN MCMURRAY: Thank you, Mr.
3 Chairman. We seem to have this conversation about
4 conservation equivalency versus coastwide at every
5 meeting, and I'm not sure how valuable it is to have it
6 again. But for the record, I don't support this motion
7 because New York, as we all know, gets the short end of
8 the stick every year. And basing statewide allocation
9 on a single 1998 year of MRFSS data is just no way to
10 manage a fishery in my opinion. And we really need that
11 baseline, that
12 two-year coastwide to get a new baseline. We
13 desperately need that. But with all that being said,
14 I'm wondering if there's been any movement towards a
15 regional coastwide equivalency, any sort of cooperation
16 between the states at this point? Because I see that
17 as a very reasonable compromise.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: I certainly haven't heard of any interest
20 on the part of any states in a region to go with a
21 regional coastwide version. I don't see any hands up.
22 Other comments on the motion? Mike.

23 MICHAEL LUISI: Thank you,
24 Mr. Chairman. John, I can address that. The state of

1 Maryland would like to -- it's one of the things that
2 we've discussed within our agency. We would like to
3 somehow regionalize, but it hasn't been until this year
4 that we found ourselves in the position that we're not
5 taking a 30, 40, 50 percent reduction in our fishery.
6 So this is the first time we're going to have a little
7 flexibility potentially to work with some of our state
8 partners.

9 COUNCIL COMMITTEE CHAIRMAN JACK

10 TRAVELSTEAD: Steve.

11 STEVE HEINS: For the record, I'm
12 sitting in for Jim Gilmore on the Board as well as the
13 Council. New York has reached out to states in the past
14 for obvious reasons and has been unsuccessful at
15 establishing regions. I think we're going to continue
16 to try to reach out to our partner states. We'll see
17 what happens.

18 As far as the motion goes, I can't
19 support the motion for all the reasons that have been
20 stated on the record here in the past and for some of
21 the reasons I've heard today.

22 I think the fact that we can't even --
23 we don't even have data to analyze coastwide measure
24 speaks for itself. I believe the fishery's a mess.

1 I'm not going to offer a substitute motion. I think
2 that would be delusional at this point.

3 But I would caution the states that can
4 liberalize: The 2008 and 2009 year classes are
5 substantial; I've seen it personally; everybody's
6 seeing it; and if you do, if you go too far, we're really
7 going to create a mess; please, exercise caution.

8 COUNCIL COMMITTEE CHAIRMAN JACK

9 TRAVELSTEAD: Pat.

10 PAT AUGUSTINE: Thank you,
11 Mr. Chairman. Mike, you're right where I've been for
12 a long time where your sister states might be interested
13 in regional. Unfortunately, as I had indicated before,
14 in the last four or five years, every time we've tried
15 to develop an addendum or an amendment where you would
16 lock into a specific region, we continued to remain in
17 that mode where if you want to join partners you can do
18 it. And in our case, we've asked our sister state New
19 Jersey, to participate, and each time they have reneged
20 on it.

21 So we've been successful in scup where
22 we've got a regional plan. It seems to have been
23 working. And when we go over individually, we all go
24 over, but we're in it together, and we're sharing same

1 size, same bag, same season.

2 And I just think that commissioners and
3 board members really have to start looking outside the
4 box for all the reasons that have been stated around this
5 table.

6 Mr. Simpson makes a perfect point: 94
7 percent of the fish are being returned. And we're going
8 to see this in other fisheries. We're going to have a
9 contentious discussion about black sea bass.
10 Similarly, how do we go from a 25 bag limit down to one
11 and try to abide by what we're doing particularly when
12 we have the information we have?

13 So it just seems to me most of us should
14 be thinking about what do we put in an addendum or an
15 FMP. It's going to take two years to develop. So,
16 unless people around this table, states around this
17 table, are going to commit to a regional management for
18 summer flounder, we are right where we are again. I
19 agree with everything that Mr. Heins said. Inevitably,
20 I would have argued vehemently to support coastwide, but
21 I took a reality check, and we're in a different place
22 right now; and if we have to take more fish and we reduce
23 that discard bycatch that accounts for an awful lot, but
24 it doesn't satisfy anybody but the creatures on the

1 bottom that are going to eat those dead fish, the ones
2 that die.

3 So, again, before we leave this meeting
4 -- Mr. Chairman, I had talked to you earlier; I'm not
5 sure today's the right time to suggest we as the PDT to
6 look at elements that should be in an addendum. Mr.
7 DeFur suggested that there was something that he thought
8 should be included in it.

9 And maybe we can have a brief
10 subcommittee get-together or something to discuss what
11 are those elements and get the issue movement under way.
12 Thank you.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: I'm going to go back to Steve's point just
15 a few minutes ago urging caution to the states when they
16 start to liberalize their regulations for 2011 and keep
17 in mind that the strong year classes that we see coming
18 on. Recall in past years we have adopted certain
19 stipulations that the states must follow in their
20 liberalization plan. So you might want to keep that in
21 mind for something you may want to consider here today.
22 Some reigning in of the amount that a state perhaps could
23 liberalize or in their equations in doing that take into
24 account these year classes that are coming on.

1 I'm not sure what the math would be, but
2 I think there are people out there who could figure that
3 out. Are there any other comments on the motion? Yes.
4 John.

5 JOHN BOREMAN: Thank you, Mr. Chair.
6 Just to follow up on that comment, the assessment for
7 summer flounder, even though when they redid the method,
8 they were able to accommodate the retrospect patterns
9 and biomass.

10 Now the assessment has a strong
11 retrospective pattern in recruitment. And the SSC
12 pointed that out in our report, that recruitment has
13 tended to be overestimated. So keep that in mind, too,
14 as another word of caution especially in the past three
15 years.

16 COUNCIL COMMITTEE CHAIRMAN JACK
17 TRAVELSTEAD: Good to know. Vince.

18 VINCE O'SHEA: Thanks,
19 Mr. Chairman. I certainly understand the concerns that
20 some of the states have about going with conservation
21 equivalency, but just as a reminder, the year that was
22 picked to set the state-by-state quotas the motion for
23 that year was made by the state of New York. In most
24 data that year the percentage standard error of the

1 states involved New York had the lowest percentage of
2 standard error. I believe it was 9 percent. Thank
3 you.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: Thank you. Are there comments from the
6 audience on the motion? Anyone wish to speak to the
7 motion? Yes, sir. Come on up to the mic.

8 JEFF GUTMAN: Hello. My name is Jeff
9 Gutman. I have a couple party boats in New Jersey.
10 Just a couple comments. I know everybody wants to
11 caution everybody here that we're going to have a good
12 year class.

13 But I remember last year -- I don't
14 remember where the meeting was in December, but I know
15 I was there, and I don't remember anybody cautioning
16 states to say, hey, there's not a great year class coming
17 in; maybe you should liberalize this year.

18 What did we result in? We were cautious
19 last year, and now we've underutilized, and now we're
20 going to go into a year where we can maybe get a little
21 bit more for a change, and then you're telling everybody
22 don't give them too much because there's a better year
23 class. Where was all this talk last year? I mean you
24 got to go both ways. You got to give it the same

1 treatment both whether there's a good year class or a
2 bad year class. At least tell the states, hey, last
3 year you could have had a little lower size limit or a
4 little higher bag limit or something because you
5 underutilized what was out there.

6 I am for conservation equivalency in New
7 Jersey. I think the whole MRFSS thing is a disaster.
8 I can't imagine that we were 30-some-odd percent over
9 -- I guess that was in 2009 or whatever the last year
10 was -- in a situation where we had terrible weather, I
11 think this fellow pointed out, and then this year we did
12 have good weather; we didn't have great fishing, but we
13 had good weather; and now you're saying we're way under.

14 So I mean it just seems like the swings
15 are tremendous both sides of the fence. So when we're
16 30 percent under, everyone treats it as gospel; the
17 sky's falling -- or 30 percent over, rather. When we're
18 40 percent under, everyone wants to give a caution not
19 to let you use that.

20 So, I mean, one way or the other, but you
21 got to be the same on both sides of the fence. And just
22 an issue to New York with conservation equivalency, and
23 I could be incorrect in this, but I was fishing in the
24 area in North New Jersey where we do fish some of the

1 same waters as some New York boats. I don't know if it
2 was the late '90s or early 2000s when we had conservation
3 equivalency one of the reasons why New York is in the
4 predicament it's in now is because they didn't manage
5 their conservation equivalency that well from what I
6 recall.

7 And the reason was I think one year when
8 New Jersey was at, let's say, 15 or 15 1/2, I think New
9 York was at 16 or 17, and they wanted to have a very long
10 season, so they opened up I think April 1st and fished
11 through the end of the year where New Jersey was shorter.

12 Well, maybe now New Jersey's getting
13 paid back. I mean I don't know. New York kind of put
14 themselves in a pickle by getting a bigger fish so they
15 could fish longer and then consistently being over.
16 But, again, that's another subject. I may be wrong, and
17 if I am, I apologize, but I think that's how it went down.
18 Thanks.

19 COUNCIL COMMITTEE CHAIRMAN JACK
20 TRAVELSTEAD: Thank you. Any other comments on the
21 motion? I think we're ready to vote now. Mr.
22 Chairman.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Thank you, Jack. Is the Council ready for the question?

1 (Motion as voted.)
2 {Move conservation equivalency for 2011 summer
3 flounder fishery with a non-preferred coastwide
4 measure consisting of an 18.5 inch TL minimum fish
5 size, 2 fish possession limit, and an open season
6 from May 1 through September 30, 2011. In addition,
7 the precautionary default measure consisting of a
8 20.0 inch TL minimum size, 2 fish possession limit,
9 and an open season from May 1 through September 30,
10 2011.}

11 COUNCIL CHAIR RICK ROBINS: All those
12 in favor please raise your hand.

13 (Response.)

14 COUNCIL CHAIR RICK ROBINS: Keep your
15 hands raised, please. I'm sorry. Fourteen. Opposed
16 like sign.

17 (Response.)

18 COUNCIL CHAIR RICK ROBINS: Three
19 opposed. Four opposed. Abstentions like sign.

20 (Response.)

21 COUNCIL CHAIR RICK ROBINS: One
22 abstention. The motion carries. Thank you. A.C.

23 A.C. CARPENTER: For the Board, is
24 there a need to caucus? We'll have a 30-second caucus.

1 It's one vote per state. Please raise your hands in
2 favor.

3 (Response.)

4 A.C. CARPENTER: All opposed, same
5 sign.

6 (No response.)

7 A.C. CARPENTER: Any abstentions?

8 (Response.)

9 A.C. CARPENTER: One abstention. Any
10 null votes?

11 (Response.)

12 A.C. CARPENTER: One null vote. The
13 motion carries.

14 COUNCIL COMMITTEE JACK TRAVELSTEAD:
15 Anything further on summer flounder? David.

16 DAVID SIMPSON: Well, one, if I could
17 just get the Board's vote as it is recorded for the
18 Council.

19 COUNCIL COMMITTEE CHAIRMAN JACK
20 TRAVELSTEAD: The Council vote was 14 to 4. It passed.

21 DAVID SIMPSON: And the Board's?

22 COUNCIL COMMITTEE CHAIRMAN JACK
23 TRAVELSTEAD: It was eight in favor, one abstention,
24 and one null.

1 DAVID SIMPSON: All right. Thanks.
2 That's something I'm going to continue to ask for at
3 every Board meeting. And I know we're past it, but the
4 conversation sidebar remind me I think it is worth
5 keeping in mind -- you know, an explanation for why every
6 state was under this year. I don't know if there's any
7 insight from the commercial fishery or from the trawl
8 survey industries, but does it leave anyone concerned
9 that maybe the stock isn't as large as we think it is?

10

11 COUNCIL COMMITTEE CHAIRMAN JACK

12 TRAVELSTEAD: Any comments? Red.

13 RED MUNDEN: One other issue,
14 Mr. Chairman. We need to know when the Atlantic States
15 Marine Fisheries Commission would like to have the
16 conservation equivalency proposals from the states. I
17 see Bob Beal in the back, so maybe he can help us.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: Where is Bob? There he is. Can you help
20 us with that?

21 TONI KERNS: The PC will get a memo for
22 the dates of the conservation equivalency proposals,
23 and it will be developed based on when we'll have the
24 Board conference call to approve the review proposals

1 by the TC.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: But isn't it generally late January where
4 we make those decisions?

5 TONI KERNS: Correct. It's usually
6 around the 15th or 16th of January.

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: For reports?

9 TONI KERNS: For the reports to be due.
10 And then at the end of January/beginning of February
11 that the Board approves the PC report.

12 COUNCIL COMMITTEE CHAIRMAN JACK

13 TRAVELSTEAD: Mark. Did you have your hand up, Mark?
14 No. Chris.

15 CHRISTOPHER ZEMAN: I would like to
16 make a motion that the Council request that NOAA and the
17 MRFSS program provide with their wave data a report
18 explaining the assumptions, the extrapolations, and
19 methodologies used to determine the final catch
20 figures, catch data, similar to -- you know, what the
21 Science Center would provide in terms of like their
22 stock assessments but just so that we can review a
23 report. Because I think what we have now is very, very
24 minimal data. And I personally had spent at least - you

1 know, 15 hours trying to get some answers on the MRFSS
2 data, and I was going on their website, and it was
3 impossible to get any information about the
4 methodologies.

5 And I would like that because I like it
6 when the Science Center provides me a stock assessment,
7 and I can sit down and just read through it, and I
8 understand where they're going with it. But with MRFSS
9 I don't see that.

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Jessica.

12 JESSICA COAKLEY: Yeah. They do have a
13 good amount of documentation on their website that
14 explains how they use the data, how those kinds of
15 expansions are done. But another very good thing to go
16 to -- and it probably wouldn't be very hard to get John
17 the list for that -- the wave review meetings.

18 They have three wave review meetings a
19 year. They go into a lot more detail about the methods,
20 and they basically provide all of the data with all of
21 the estimation components and go through tables of
22 information and look at, well, estimates in this state
23 are up, but we can see that the effort component is up
24 or the angler success rate is down. And they actually

1 go through it in a lot of detail. And I know they have
2 state biologists that attend, and I think advisors
3 attend. And there would probably be the opportunity
4 for Council members that are interested to get on the
5 list. I've gone to them; Toni has as well, and they're
6 very informative.

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: Are there minutes to those meetings?

9 JESSICA COAKLEY: I don't know if
10 they're online.

11 CHRISTOPHER ZEMAN: As a
12 follow-up, I definitely agree with you, and I will plan
13 to attend one of these wave meetings. I did request the
14 wave reports, and the wave reports do not have any
15 discussion of -- they don't have any minutes of that
16 discussion. All they have are the tables and more
17 detailed per wave and per state data. Minutes for that
18 discussion will be key as part of this process.

19 COUNCIL COMMITTEE CHAIRMAN JACK

20 TRAVELSTEAD: Chris, you want to move forward with your
21 motion?

22 CHRISTOPHER ZEMAN: Yes, I would.

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: Is that accurate, what's up on the

1 screen?

2 CHRISTOPHER ZEMAN: That's fine.

3 COUNCIL COMMITTEE CHAIRMAN JACK

4 TRAVELSTEAD: Is there a second to the motion? Seeing
5 none, the motion fails for lack of a second.

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: Rick.

8 COUNCIL CHAIRMAN RICHARD ROBINS:

9 Thank you, Mr. Chairman. I think, Chris, what might
10 also be helpful in the alternative would be a
11 programmatic presentation to the Council that reviews
12 the methods.

13 I think as we every year we get new
14 members, I think it would be helpful just to keep that
15 in front of the Council on a periodic basis. So perhaps
16 we can try to schedule an update, a presentation to the
17 Council, so we can review the methods that are used for
18 that.

19 CHRISTOPHER ZEMAN: I would appreciate
20 that. That would be great. Thanks.

21 COUNCIL COMMITTEE CHAIRMAN JACK

22 TRAVELSTEAD: I think that would be helpful. Okay. I
23 have several hands. Pete Himchak.

24 PETER HIMCHAK: Yes. Thank you, Mr.

1 Chairman. I wanted to comment about the availability
2 of fish. One example I can give is that now on our
3 commercial quota we divide it into bimonthly quotas so
4 when, in fact, we have six seasonal quotas and two
5 quotas, directed and nondirected, within each bimonthly
6 period, and there is absolutely no problem in catching
7 the fish commercially. Of course, they're at a 14-inch
8 minimum size limit. But there were instances where we
9 had to close directed fisheries within two-month
10 periods because the quotas were being reached, but I
11 can't recall in any instance where there was an
12 underutilization of the commercial quota throughout the
13 year.

14 COUNCIL COMMITTEE CHAIRMAN JACK

15 TRAVELSTEAD: Thank you. Vince.

16 VINCE O'SHEA: Thank you,
17 Mr. Chairman. I was going back to this MRFSS issue.
18 Our staff uses that database quite a bit, and I wonder
19 if there's some help that we might be able to give Chris
20 in making sure that he understands fully what's on that
21 MRFSS site.

22 And then if that's inadequate for his
23 needs, then maybe some of these other things might be
24 appropriate. But if it's a question of needing some

1 help and walking you through how we're using the site,
2 I was just going to offer our staff to help with that
3 because we do that every single day. Thanks.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: Thank you. Mike.

6 MICHAEL LUISI: Thank you. Given the
7 fact that all the states are going to be faced with
8 potential liberalizations -- and this is just a question
9 as far as when the technical committee are going to
10 receive. There's normally a table that's produced.
11 And Jack, you mentioned that at one point there were some
12 precautions that were built into those tables. Is that
13 going to be something that -- will that be provided? Is
14 that something that we need to look into?

15 We're facing a situation where we
16 undershot our target by 60 percent, so our agency is
17 going to be faced with making a decision as to having
18 possibly a large liberalization. But if there are some
19 precautions that have been built into that -- you know,
20 I would hope that would be available to our technical
21 staff for that evaluation.

22 COUNCIL COMMITTEE CHAIR JACK

23 TRAVELSTEAD: Those precautions will not be in those
24 documents, I don't think, unless they're stipulated

1 here to be in those documents. I know several years ago
2 when we were in a situation where some states could
3 liberalize, we actually voted by motion on certain
4 stipulations that the states would have to meet, and
5 then they were part of the document and part of the
6 instructions to the states in formulating their
7 measures. So they won't be there unless we do something
8 here today would be my interpretation of the way things
9 are going. Rick.

10

COUNCIL CHAIRMAN RICHARD ROBINS:

11

Jack, to that point, if there were a cautionary note
12 sounded, would it simply be to take into account the
13 relative year class strengths in making the
14 determinations?

15

Because I'm trying to recall the
16 specific provisions we put in motions in years gone by,
17 and I think your class strength might have been one of
18 them or recent fishery performance.

19

COUNCIL COMMITTEE CHAIRMAN JACK

20

TRAVELSTEAD: It was. And it may be. I don't recall
21 the exact details either, but I think it was some of them
22 were of a general nature, like the states are required
23 to take your class strength into account in the
24 formulation of their plans. Mr. Leo, you've had your

1 hand up for a pretty good while.

2 ARNOLD LEO: Yeah. Thanks. Arnold
3 Leo. I'm the consultant for the fisheries of the Town
4 of East Hampton on Long Island. Just I wanted to
5 comment. Dave Simpson said that perhaps the underages
6 in the landings might be accounted for by the fact the
7 stock is not as big as it's believed to be.

8 What I heard was that the recreational
9 fishermen were catching fluke by the tons, and the
10 problem was the size limit, what they could keep. So
11 I would suggest the underage really as a result of an
12 excessively large size limit. Thanks.

13 COUNCIL COMMITTEE CHAIRMAN JACK
14 TRAVELSTEAD: Thank you. Rob. I'll bet you you can
15 bring us or remind us what was done in the past on those.

16 ROBERT O'REILLY: Another year of
17 torture awaits. I wanted to respond to that same
18 question that David had, and I don't think I heard anyone
19 mention the proposals themselves. With the exception
20 of one state, all the other states were extremely risk
21 averse with their proposals.

22 The committee does take into account
23 what was put forth three years ago, and I know each year
24 Toni says that will be taken into account again as far

1 as precautions go.

2 This is an incredibly difficult process
3 to liberalize because of the information that Jessica
4 gave you. The data just aren't there. So really I
5 think a lot of the underages that you see are states
6 being nervous, and they're nervous because up until a
7 few years ago, there were so many overages.

8 But it is a difficult process. You can
9 use volunteer angler survey data. Some states may be
10 able to start using NEMAP data to some extent. You have
11 to be really creative, and it's really difficult.
12 Also, one other thing is that I wasn't at the meeting
13 last year, but the gentleman from New Jersey should know
14 that the committee did know that the year class
15 strengths for the age three and four were deemed to be
16 average or below average, and you'll find that in
17 states' proposals that they knew that going in for the
18 2010 proposals. So I think there's consistency with
19 the information coming from the assessment and the
20 advise.

21 COUNCIL COMMITTEE CHAIRMAN JACK

22 TRAVELSTEAD: Rob.

23 ROBERT O'REILLY: Yes.

24 COUNCIL COMMITTEE CHAIRMAN JACK

1 TRAVELSTEAD: Before you. Do you recall what the
2 specific precautions were in the past that the states
3 had to take into account?

4 ROBERT O'REILLY: I think what you said
5 was correct, but also keep in mind effort and
6 availability, which we really can't because as has been
7 stated, that can be very localized. It also goes back
8 to a time when the performance factor was part of the
9 situation, which I think by and large only a couple of
10 states are still using that. That's looking at the
11 composite of the overages and underages from 2001
12 forward. And that was also part of it. There was also
13 use in the past by some states of the age one at one time,
14 plus the age two, plus expected change in abundance.
15 That's also received kind of luke warm reception from
16 the committee, the Technical Committee, in recent
17 years. But Toni does have that memorandum because I
18 think she sent it around within the last year again. So
19 there is an existing memorandum.

20 COUNCIL COMMITTEE CHAIRMAN JACK

21 TRAVELSTEAD: Pat.

22 PAT AUGUSTINE: Yeah. Thank you, Mr.
23 Chairman. With the comments that Rob made on the
24 record, it appears we do have the guidelines that have

1 already been established. And if you would like a
2 motion, I would move that we use previous established
3 guidelines with the exception of the performance review
4 -- we got nailed on that a couple years -- be utilized
5 as a guide in establishing our protocol this year. Now,
6 is that clear enough?

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: Apparently, there are guidelines that
9 have been presented to the staff in the past, and I
10 suppose if you want to continue to use them as
11 guidelines, then you don't need to take any action.
12 Just leave it up to the individual states to do or do
13 not.

14 PAT AUGUSTINE: Well, you can do that as
15 long as you don't include the performance factor again.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Toni, you want to comment?

18 TONI KERNS: Pat, there are guidelines
19 on how each state has to develop their proposal and the
20 information they need to give us. The PC has agreed
21 upon to do, but those don't include any requirements
22 about availability, effort. Those are the things that
23 we added in as performance factors in previous years.

24 And the Board and Council have

1 performance factors in different ways -- has asked the
2 Technical Committee to take into account those factors
3 in different ways in different years, so.

4 PAT AUGUSTINE: Okay. But does that
5 suggest that they will look at performance factor again
6 this year?

7 TONI KERNS: That's not part of the
8 standard format, unless you specifically make a motion
9 to say they need to account for performance factors.
10 But it would be useful for the Technical Committee for
11 the Board and Council to say what performance factors
12 you are looking for; otherwise, it leaves it slightly
13 open ended for them and doesn't give them much
14 direction.

15 PAT AUGUSTINE: Thank you for that
16 clarification.

17 COUNCIL COMMITTEE CHAIRMAN JACK
18 TRAVELSTEAD: Vince.

19 VINCE O'SHEA: Mr. Chairman, I think
20 there's been enough discussion about the cautions of
21 this potential increased availability. I'm wondering
22 if we need to get the specific guidance that we've given
23 the Board in the past, whether we need to get that in
24 front of you to take action on this.

1 I don't know whether you need to have
2 time to do it in a brief stand down or whether you want
3 to hold it in abeyance and go on to the next species and
4 then come back to this. We're talking about something
5 that I think the Board would benefit if they had it in
6 front of them.

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: I agree. I'm not sure how everybody else
9 feels. David and then Rick.

10 DAVID SIMPSON: Yeah. I really don't
11 think we need any more constraints on the states to
12 develop alternatives. I think they've shown the
13 precautionary approach to managing their quota.

14 Certainly, Connecticut did last year.
15 We only developed liberalizations that were
16 commensurate with the increase in quota. We didn't
17 take into account our underage the previous year. For
18 example, we could have been twice as liberal as we were,
19 but -- you know, the last thing I want to do is increase
20 only to become more restrictive again. So I think we
21 have enough.

22 And to the performance adjustment, I
23 mean that was something that I was very involved in
24 developing, and I would submit that that was intended

1 to be a one-time correction that basically reset the
2 scale for states, and I think it's been pretty effective
3 in keeping us closer more consistently to where we're
4 aiming for instead of being over.

5 But we've been under a couple of years
6 now. We're weary of large year classes but at the same
7 time remember that -- you know, being very conservative
8 is only going to mean we're going to have a 96 percent
9 release rate and -- you know, two to five times the dead
10 discards that we have to landings.

11 So I'm not really -- I don't think in the
12 end that's the most conservation benefit you could have
13 to restrict your landings when we're just going to be
14 discarding fish dead overboard.

15 COUNCIL COMMITTEE CHAIRMAN JACK
16 TRAVELSTEAD: Along those same lines, keep in mind each
17 state's proposal is examined by the Technical Committee
18 and voted on by the Board, and if it fails to pass muster,
19 they're sent back home to come up with a different plan.
20 So maybe we don't need specific guidance. And there's
21 been enough discussion here to get the message to the
22 states. Rick.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Along those same lines, Jack, I think the concern that

1 we've heard around the table has just been about the
2 relative strength of the 2008 and 2009 year classes and
3 their potential impacts on a raw catch.

4 And so I think we've already documented
5 that concern as a matter of record. Whether or not you
6 need a motion to take any additional action I'll leave
7 that to the Council.

8 But I think we are already on record as
9 having documented the concern. The state members
10 around the table I'm sure will take that back to their
11 technical representatives, and we can rely on the Board
12 to take that into consideration in approving the final
13 request. So I think that concern is already pretty well
14 documented here.

15 COUNCIL COMMITTEE CHAIRMAN JACK

16 TRAVELSTEAD: Good. Thank you. Was there another
17 hand? Anything else on flounder? Pat.

18 PAT AUGUSTINE: Mr. Chairman, did you
19 want me to suggest that we start to work on an addendum
20 or wait until we get through scup and black sea bass to
21 see if there are any add-ons?

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: Why don't we wait and see where we go in
24 the other species.

1 PAT AUGUSTINE: Okay. No. I'll
2 remind you I'm sure.

3 COUNCIL COMMITTEE CHAIRMAN JACK
4 TRAVELSTEAD: I think we're going to take a 15-minute
5 break now for those folks who have to check out, and then
6 we'll come back and take up scup.

7 [Break: 10:20 a.m. to 10:42 a.m.]

8 COUNCIL COMMITTEE CHAIRMAN JACK
9 TRAVELSTEAD: Okay. We're back in session, and we'll
10 hear from Jessica on the scup information. Jessica.

11 -----

12 SCUP

13 JESSICA COAKLEY: All right.
14 Continuing on with scup. For recreational measures, it
15 follows the same process as for summer flounder. The
16 Council and Board met in August to make their
17 recommendations for TAC and TAL, commercial quota
18 recreational harvest limit.

19 Monitoring Committee and advisors met
20 on November 18th, and we're here to review that
21 information. So looking at the past management
22 history, landings are the yellow line; harvest limits
23 are the white line. This goes back to 1997. You can
24 see historically there were quite a few substantial

1 landings overages for scup. In 2005 and 2006, landings
2 come in under the harvest limit. And for the last four
3 years, including the projected 2010 estimate, landings
4 have come in over the recreational harvest limit. The
5 projections here are based on Wave 1 through 4
6 information. So this is what was available to the
7 Monitoring Committee and the advisors when they made
8 their recommendations. And the 2011 proposed 4.27
9 million pounds is what was recommended.

10 Taking a closer look at catch and
11 landings, catch in 2010 was up relative to 2009 at about
12 10 1/2 million fish. About 4.8 million fish were
13 landed, which is substantially up from 2009. And
14 landings by weight is about five million pounds, 5.13
15 projected for 2010. Again, this is using the Wave 1
16 through 4 data.

17 In terms of the proportion release, in
18 2010 about 54 percent of the fish that were caught were
19 released. 2010 federal waters regulations included a
20 10 1/2 inch minimum fish size, 10 fish possession limit,
21 and an open season from July 6th to September 26th.

22 The states implemented their northern
23 and southern region regional conservation equivalency.
24 The measures for the northern states -- New York.

1 Recreational regulations are quite complicated. It
2 included a 10 1/2 minimum fish size for the private
3 angler and then 11 inch minimum size for the party
4 charter fleet, variable possession limits. A private
5 angler has a 10 fish possession limit, and the party
6 charter fleet have 40 fish possession limits during very
7 specific time periods, and you can see the variety of
8 seasons that were implemented in 2010.

9 For the southern states,
10 New Jersey had a 9 inch minimum size, and all the states
11 south of that had an 8 inch minimum size, a 50 fish
12 possession limit. Delaware through North Carolina
13 were open all year, and New Jersey had a season from
14 January and February and then open again July 1 to
15 December 31.

16 So, looking at the 2010 projected
17 landings based on Wave 1 through 4, the northern region,
18 Mass. to New York, would be 34 percent over their target.
19 New Jersey in the initial projections that were done,
20 it was projected they landed about a million fish.

21 That seemed high, and New Jersey -- the
22 projections are very sensitive to whether the peak
23 landings occurred Wave 4 or Wave 5 because the scup seems
24 to be sort of at the southern end of the range. It tends

1 to be very volatile as to which wave is going to be the
2 peak. Those projections were adjusted to 400 and
3 some-odd thousand fish based on doubling the Wave 4
4 estimates. That seemed to be a more appropriate way to
5 handle it in the projection, and the Monitoring
6 Committee agreed that that was probably more
7 representative of what they might land. So the 2010
8 recreational harvest limit was a little over three
9 million pounds.

10 The 2010 projected landings including
11 that adjustment for New Jersey were 4.8 million pounds.
12 This is based on Wave 1 through 4. The 2011
13 recreational harvest limit increased. It would be 4.27
14 million pounds as proposed; therefore, the reduction
15 based on that Wave 1 through 4 information was 12
16 percent.

17 Similar to summer flounder and sea bass
18 when we talk about it, the management tools we have
19 available are to make seasonal adjustments, adjustments
20 to possession and size limits. And I just noted that
21 the cumulative reductions of season and possession,
22 size combinations are not purely additive. So there's
23 an interaction that's taken into account when those
24 calculations are done.

1 For the 2011 analyses, as for all three
2 of these species, we assume effort and availability will
3 be the same in 2011 as it is in 2010 recognizing that's
4 an assumption that will be violated. In addition,
5 angler behavior is difficult to predict, and we know
6 that it changes in response to adjustment and measures,
7 but we really don't have information to inform us as to
8 how that's changing. So the staff recommendations that
9 were given in the memo back in November were developed
10 on the following basis: closing federal waters, the
11 EEZ would not achieve the required reduction; the
12 federal fishery it's a very small component of total
13 landings.

14 Looking at the 2009 information, the EEZ
15 landings were about 2 percent of the total landings.
16 It's self-reported by area based on the MRFSS
17 information. So any meaningful reduction in landings
18 must come from adjustments to measures in state waters.

19 So the staff recommendation was a common
20 set of regulations for federal waters in the states of
21 Mass. through New York. This would include an 11 inch
22 minimum fish size, a 10 fish possession limit and an open
23 season from May 24 to September 26.

24 The adjustment, a half-inch adjustment

1 in minimum size from the 10 1/2 to 11 gives about a 10
2 percent reduction in landings. And by eliminating the
3 bonus season and adjusting the federal season, which is
4 actually a little more liberal, that provided
5 additional certainty that 12 percent would be achieved
6 on a coastwide basis. The Monitoring Committee
7 reviewed all this information, and they agreed that the
8 staff-recommended measures would constrain landings on
9 a coastwide basis to the 2011 recreational harvest
10 limit. They also suggested that state measures could
11 be developed under the regional conservation
12 equivalency, but they must be developed to achieve the
13 required reduction.

14 They also stated that federal measures
15 should not be developed until state measures are, to
16 ensure the measures will achieve the same required
17 reduction, and that prevents any misalignment with the
18 measures in federal waters and what's implemented in
19 state waters.

20 In the past there have been issues with
21 the federal seasons not lining up with the state
22 seasons, so federal waters season is open, but the state
23 waters are closed. That essentially increases the
24 reduction in federal waters the effect in terms of

1 wait. All right. Moving on. That that compliance
2 that's reflected in the information is probably a low
3 estimate of what noncompliance might be.

4 They also talked about possession
5 limits and that few anglers catch more than 10 scup per
6 person when you look at the possession limits and that
7 there are the differences between the modes in terms of
8 what anglers are hoping to catch in terms of
9 expectations private angler versus those going out on
10 a party charter boat.

11 Seasons. It's extremely difficult to
12 derive a single season that's going to satisfy the needs
13 of all states. They're very regional issues. It seems
14 like Massachusetts the spring is very important. Some
15 of the other states the fall is important. Maryland
16 there's a curve ball in July and August are important.
17 So it's just sort of difficult to capture all those
18 dynamics; although, they noted that the seasons may be
19 one of the more effective tools for addressing
20 controlling fishing effort. That is probably one of
21 the more effective.

22 The effort itself is not being
23 effectively constrained, and many of these shifts in
24 effort could be due to changes in angler behavior and

1 management in other fisheries. They talked about the
2 idea that there's a pool of effort out there and we're
3 adjusting these individual fisheries independently,
4 and we're essentially pushing that effort around.
5 Constraining this fishery, it pops out in another
6 fishery.

7 So we're not really addressing the
8 effort issue completely. So that's something to bear
9 in mind. The advisory panel reviewed this information
10 and also heard the Monitoring Committee's
11 recommendations.

12 They noted that another year of high
13 availability that they saw they believe this validates
14 the stock assessment and the fact that the stock is at
15 an all-time high and that the TAC for this fishery is
16 being set too low. They recommended that the state
17 regional conservation equivalency -- somebody's got to
18 stop me when I do that. The state regional conservation
19 equivalency should be continued. In addition, they
20 noted that they support status quo measures, so
21 identical state-federal measures from 2010 be carried
22 forward to 2011 on the basis that effort may be reduced
23 if summer flounder measures are liberalized.

24 They thought that liberalization might

1 have enough of an effect that that 12 percent adjustment
2 wouldn't be necessary. The Wave 5 information was
3 available yesterday and was compiled.

4 The recreational harvest limit for 2010
5 was three million pounds based on Wave 5. Wave 5
6 landings were higher than what had been projected. So
7 the 2010 projected landings are 5.74 million pounds.

8 This is still higher than the 2011
9 recreational harvest limit of 4.27 million pounds;
10 therefore, the 2011 required reduction would be 26
11 percent. So this is about double what we had previously
12 anticipated.

13 So, looking at the Wave 5 information by
14 state and relative to the
15 state-specific targets, the four northern states
16 projected landings would be about 37 percent over. The
17 southern region target, which we normally don't give in
18 this table, but we've provided it here because it's
19 helpful, it's about 84,000 fish. So the southern
20 region has gone over their target, and
21 New Jersey through Wave 5 and then projecting Wave 6 will
22 land about 575,000 fish, that state by itself, thus the
23 discussion about how to handle New Jersey. Toni will
24 cover that.

1 So, in terms of possible options that
2 Toni and I developed yesterday, the adjusting the
3 minimum fish size in the staff option by another half
4 inch would increase the reduction that that size
5 adjustment provides.

6 So by going to 11 1/2 inch it would
7 provide a 20 percent reduction maintaining that 10 fish
8 and May 24 to September 26 season is one set of measures
9 that could work. The elimination of the bonus season
10 and reduced possession limit for the party chartered
11 fishery on a coastwide basis, which is how we need to
12 calculate those measures, provides additional
13 certainty that that 26 percent reduction should be
14 achieved.

15 We also recommend that the fishery
16 service adjust federal measures to align with the state
17 regional analyses that will be done with the PC early
18 in the year. So we're putting this forward as a
19 starting point for measures that could be put forward
20 today, but it would be appropriate to revisit this once
21 -- to have the service revisit this once those measures
22 have been developed. Okay. And Toni's going to take
23 over for the next few slides to talk about the regional
24 conservation equivalency in New Jersey.

1 TONI KERNS: So, if the Board were to
2 adopt conservation equivalency as it was promulgated
3 through Addendum 11, which gives 97 percent of the quota
4 to that northern region and 3 percent of the quota to
5 the southern region of New Jersey south, then the
6 northern region would need to have a reduction of 18
7 percent of their quota.

8 For the southern region, the projected
9 landings are about 590,000 fish; so, therefore, that
10 southern region would need to take an 81 percent
11 reduction in their landings. That's about 8 percent of
12 the coastwide reduction. That's what it equates to.

13 I know it seems very large here. That's
14 large in part due to the large overage that we see in
15 New Jersey. And we have seen New Jersey have an overage
16 in the past couple of years. And in the years where the
17 northern states have taken reductions, then the
18 northern states have absorbed that overage prior.

19 We actually didn't take the required
20 reduction last year for scup. We did reduce the
21 measures some but not by the required reduction.

22 Next slide. Sorry. I wanted to sort of go
23 over what New Jersey's regulations have been in the
24 past. And I apologize. The Excel spreadsheet carried

1 down that size limit 10 in years that it wasn't supposed
2 to. The size limit changed in 2005 to 9 inches and has
3 remained that 9 inches since that time.

4 And you can see the landings starting to
5 get higher as we had lowered that size limit back down
6 to 9 inches. In 2005 we lowered it to 9 inches. So
7 there's sort of three options that the Board potentially
8 could consider to deal with
9 New Jersey.

10 New Jersey could -- you have talked
11 about adding them up into that northern region and make
12 it a part of the northern region and just have the
13 southern states have that 3 percent of the landings.

14 The Board could move New Jersey into the
15 northern region and adjust the percentage of landings
16 that you get to the southern region. There's a
17 possibility you could create some sort of recreational
18 deminimus status.

19 The one problem with using deminimus in
20 this plan is that National Marine Fishery Service hasn't
21 accepted or hasn't promulgated deminimus, so then we
22 would have a disconnect in our two plans if we did do
23 that. Or we can leave New Jersey alone, leave the plan
24 as it states now and just adjust their measures.

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: Okay. Questions for either? Pat.

3 PAT AUGUSTINE: Yeah. Thank you,
4 Mr. Chairman. Good report. Jessica, when you all
5 looked at reducing the New Jersey harvest, was Wave 1
6 information looked at, or is it included in the total
7 report, Wave 1 through 4 for scup?

8 JESSICA COAKLEY: Pat, we haven't
9 determined what types of measures we would do to do a
10 reduction for New Jersey, since we only got the
11 Wave 5 landings yesterday. We didn't want to use the
12 calculations that we had from last year because we
13 didn't have the VTR lengths to look at.

14 The Wave 4 landings for
15 New Jersey only had two intercepts, so there was only
16 two lengths we could look at. But the Wave 5 numbers
17 have over 200 intercepts, so it will help us.

18 PAT AUGUSTINE: Thanks for that
19 information. I'm concerned that we have not seen Wave
20 1 reports very often with any catches, and yet there is
21 party boat activity through the month of January and
22 February.

23 And my understanding, unless I've been
24 misinformed, is they not only catch black sea bass, but

1 they also catch scup. And at the same time we're saying
2 that they didn't catch a million fish. Because of some
3 factoring, you now show them as 400 and some-odd
4 thousand fish. That's only one part of it. The second
5 part of it, this is a very unique situation. This is
6 the first time in my recollection that New Jersey has
7 gone over so far. And it's interesting that we now have
8 a recommendation from the Monitoring Committee that,
9 gee whiz, the four northern states really should have
10 New Jersey as a part of them.

11 And if I were being very parochial, and
12 I'll be very objective, as opposed to being sensitive,
13 to the fact that they should belong in the northern zone.
14 What is that going to do to our quota because now we're
15 adding another group of five with whatever their quota
16 is, a small share of
17 3 percent.

18 So, in that case, it looks like we in the
19 northern area would take a hit by adding New Jersey.
20 Isn't it amazing how you can take the same information
21 and flip it when it comes to summer flounder. We, some
22 states, don't want to look at becoming a part of a
23 regional management plan. So those are some of the
24 things I've thought about relative to where we're going

1 to go. A follow-up on your reducing from 10 to 9 1/2.
2 Does that really tell us that we will have less discards,
3 or what does that really tell us? By going from 10 inch
4 to 9 1/2, whatever the case may be, will that show us
5 that we'll have less discards, so we'll have better
6 utilization of the catch?

7 TONI KERNS: I'm going to let Jessica
8 answer the discard question because I'm not going to
9 predict what your discard estimates are going to be by
10 changing your size limit.

11 But I do want to state for the record
12 that the Monitoring Committee didn't recommend that New
13 Jersey go to the north; they just gave some options for
14 the Board to consider. And then secondly, Wave 1 is not
15 sampled for scup.

16 If a boat from New Jersey is using it's
17 VTR's then the VTR reports are looked at at the end of
18 the year. We don't look at the
19 VTR's -- MRFSS doesn't use the BTR's during the year when
20 they do the wave estimates, but at the end they do
21 reconcile with that data.

22 PAT AUGUSTINE: Then a final comment,
23 Mr. Chairman. Scup turns out to be the poster child for
24 what we do in terms of managing and how successful we

1 can be. If the spawning stock biomass, indeed, was 204
2 percent last year when the last stock assessment came
3 out, and then there was a level of uncertainty based into
4 what the recommendation was from the SSC, and then we
5 in our inimitable way decide to take more a progressive
6 or protective stance and not really increase the quota
7 anywhere near where we should have been. It just seems
8 to me that we don't know how to deal with success; and
9 so, therefore, having argued for a higher quota, for
10 2010, and unfortunately having lost that argument, here
11 we are in a case where we have to take a reduction on
12 a fully rebuilt, not overfished -- overfishing is not
13 occurring -- the stock at its highest level it's been
14 in who knows how many years or decades and forced to make
15 cuts. It just isn't logical. It does not make sense.

16 It seems to me that we as a council and
17 board have to question whether or not either the
18 Monitoring Committee or the staff are being too
19 protective in terms of listening to what the -- and I'm
20 trying not to be critical; I'm trying to be very
21 objective here.

22 The Council and Board looked at higher
23 quotas. We had an SSC that said you could go this high.
24 We felt that we shouldn't go that high and take the risk

1 of creating a problem for ourselves, and here we are
2 sitting around this table having to take cuts.

3 Do I believe a 50 fish bag limit is
4 important? Absolutely not. I think it's misuse of the
5 stock. Don't care what sector says we have to have it.
6 The reality is if you catch so many fish, have so many
7 pounds, you're either going to give it away or sell it.
8 And if you're recreational, you should be utilizing what
9 you catch as food. That simple.

10 So I would argue that by taking this
11 restrictive approach, we not only are going to hurt the
12 fishing community one more time, but we are not
13 utilizing the stock. And the final comment is: Are we
14 doing single species management or not?

15 To this day I cannot understand how we
16 can have a target at a minimum and a maximum of where
17 the spawning stock biomass has to be and we allow stock
18 -- my favorite one is striped bass -- how we allow that
19 stock to get to 183 percent of spawning stock biomass
20 and not have any effect on the subspecies below it.

21 And particularly in our case, in the
22 next few days or weeks, we're going to be talking about
23 possibly shutting down the lobster fishery. And I defy
24 any one of you around this table or in the audience to

1 tell me that lobsters aren't eaten by striped bass.

2 So either we have single species
3 management, we try to bring them all in balance, as
4 opposed to getting the spawning stock biomass above the
5 target but never answering the question how far above
6 the target. So those are my points.

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: Pat, do you have a question? We'll have
9 more thoughts later, but right now we just want
10 questions for the staff. Pete.

11 PETER HIMCHAK: Yes. Thank you, Mr.
12 Chairman. I don't know where to start here. In regard
13 to the January-February season, we had this discussion
14 last year in Wilmington where the VTR data did not show
15 significant harvests of anything which is why -- I know
16 there was concern to close the season, but at the same
17 time -- I opposed -- and that is something by closing
18 the season and that's why it was put back into the
19 measures for 2010. As to our landings, we're
20 flabbergasted at how we ended up with 574,000 fish or
21 whatever, and obviously nobody wants us in their region.
22 My question is on the options for what we can do. And
23 I guess I have a lot of questions.

24 If we're brought into the northern

1 range, does that lock us into the minimum size limit?
2 I guess in the EEZ it would, which is really put an end
3 to our fishery because if we go from a 9 inch to a 10
4 1/2, 11 inch fishery, it's like a reduction to 73
5 percent, just going to 10 inches.

6 So I'm looking at Option C, and I'm
7 looking in the briefing book on page -- behind Tab 4,
8 page one, and I'm asking the question here: Under C at
9 the bottom of the page where it says: A status quo and
10 New Jersey takes the required reduction. What does
11 that translate into the reduction as a percentage, and
12 would it still -- would it not give us flexibility in
13 the minimum size limit? I'm not sure I understand the
14 options.

15 JESSICA COAKLEY: Option C basically
16 just does what we do now in that New Jersey would need
17 to do an 81 percent reduction. And you can figure out
18 that reduction. The state can provide proposals and do
19 that however you would like. You can have 9 inch with
20 a very restricted season and a very restricted bag.

21 Your federal fisherman would still have
22 to follow federal rules whatever those may be because
23 they still need to do that now. Just to remind
24 everybody on the Board and Council of how the process

1 works is that federal measures are adopted, so all
2 federal permit holders have to abide by those rules.

3 The majority of scup are caught in state
4 waters, so the Commission developed conservation
5 equivalency to allow the states to set their own
6 regulations within state waters. So only state permit
7 holders follow those state regulations, and anybody
8 with a federal permit still has to follow the federal
9 rules. If you were to be put in with that northern
10 region, then what they have come up with in the past is
11 common size and bag limits, but each state adjusts their
12 season as necessary. I would assume they would be
13 following those same rules, but I won't speak for the
14 northern states.

15 COUNCIL COMMITTEE CHAIRMAN JACK

16 TRAVELSTEAD: Pete, go ahead.

17 PETER HIMCHAK: Just as a follow-up,
18 so whatever they established, whether it was 11 inches
19 or 10 1/2 inches, that would apply in our offshore
20 waters, and since they have federal permits in our
21 internal waters as well ultimately?

22 JESSICA COAKLEY: Your federal permit
23 holders would have to follow whatever rules National
24 Marine Fishery Service promulgates. They don't

1 necessarily always promulgate the same regulations that
2 the northern states put in place. So it depends on what
3 comes out of the final rule.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: David Pierce.

6 DAVID PIERCE: The question: In Table
7 we see the -- it's in the memo from Jessica to the
8 Monitoring Committee. On Table 7 we see 2010 landings
9 for the different states, and it's not there, of course,
10 the 2009 landings that they're informative. Those are
11 found in a table, an earlier table. I think they're
12 in Table 3 where you see that: Massachusetts actually
13 went down, Rhode Island went up a little bit,
14 Connecticut went up, New York went up 800,000.
15 Anyways --

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: David, just -- David --

18 DAVID PIERCE: My point is that they've
19 gone up -- thank you. My point is they have gone up,
20 and I think that, Jessica, you're saying that the
21 Monitoring Committee as a response has said the bonus
22 season should be done away with.

23 It's unclear to me why that conclusion
24 was drawn perhaps because I can't find in your report

1 any description of the party and charter boat landings
2 2010 versus 2009.

3 That would be very informative because
4 the bonus season is to address party and charter boats
5 and their unique situations in that they need to draw
6 customers, they need to have a higher bag limit at some
7 time of the year, Massachusetts in the spring, other
8 states not in the spring necessarily.

9 So that's my question: Where are the
10 data that show the situation for the party and charter
11 boat fleet, and did that data convince the Monitoring
12 Committee that the bonus season should be done away
13 with?

14 JESSICA COAKLEY: Okay. The
15 Monitoring Committee did not outright conclude that the
16 bonus season should be eliminated. What they concluded
17 was the set of measures, the common set of 11 inch, 10
18 fish and that May 24 to September 26 season would
19 constrain landings to the coastwide, the new proposed
20 harvest limit for 2011 on the basis that the minimum size
21 adjustment accounted for the majority of that percent
22 reduction -- so it was about 10 percent -- and it was
23 a 12 percent requirement reduction so that elimination
24 of the bonus season would account for whatever remainder

1 there was.

2 So it wasn't quantified there in the
3 staff memo. And it would require a tremendous amount
4 of work to go through the exercise of figuring out what
5 the contributions by fleet, mode, season might be.

6 The Monitoring Committee did talk at the
7 meeting about whether it could or could not be done and
8 thought it would be quite complicated to sort that out
9 because the bonus season does not cover a full wave.
10 It's parts of waves. And we know that the value of days
11 within the waves one month versus -- the first month
12 versus the second month in the wave are probably
13 different and that it wasn't something that could be
14 quantified.

15 So I just want to point out that wasn't
16 what they concluded, that they didn't conclude you
17 should get rid of the bonus season, they concluded that
18 the set of options that were put forward would be
19 adequate to constrain measures.

20 DAVID PIERCE: Thank you. Do we have
21 the data, though, for the party and charter boat fleets,
22 the 2010 versus 2009 by state?

23 TONI KERNS: We have it by state, but we
24 don't have it for the time period that the bonus season

1 was in place because that bonus season spans more -- it's
2 only part of each of the waves.

3 So, if you look at it just in as a whole,
4 in Massachusetts a party charter industry probably is
5 about 40 percent of the scup catch. And in Connecticut
6 and Rhode Island, I think it's less than 5 percent of
7 the scup catch or less than 10 percent. I'm doing this
8 off of memory. And I did not look up New York's. I ran
9 out of time.

10 DAVID PIERCE: Do we have the data
11 regardless of the --

12 TONI KERNS: We can give you the
13 percentages by mode, but not for the bonus season.

14 DAVID PIERCE: Well, even so, in that
15 particular state, I mean the party and charter boat
16 fleet they operate principally for scup in that bonus
17 season. So whatever you have for landings by the party
18 and charter boat fleet would likely reflect primarily
19 the bonus season. So you have the data, but --

20 TONI KERNS: It wouldn't necessarily --

21 DAVID PIERCE: Okay. That data did not
22 influence the decisions of the Monitoring Committee.
23 That's what I'm hearing. The Monitor Committee is not
24 recommending that the bonus season be done away with.

1 Correct?

2 TONI KERNS: Correct.

3 DAVID PIERCE: Okay.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: Further questions? Frank.

6 FRANK BLOUNT: Yes. Thank you. I
7 have several questions here. And one goes back to
8 something that was said earlier about -- you know,
9 flagging certain data. And I'm wondering if the
10 Monitoring Committee looked at -- one of my concerns:
11 if you looked at New York for July and August in the
12 charter boat mode, their landings had a tremendous
13 increase; it's the equivalent -- you know, of an
14 additional 60 to 70,000 people going fishing limiting
15 out every single day on a charter boat. It couldn't
16 have happened.

17 Another one I think that needs to be
18 flagged is Connecticut, how Connecticut in the middle
19 of the four-state region has a 400 percent increase when
20 the other states didn't. And I think those are two
21 things that I think should have been looked at. I did
22 some of the calculations, and I know the bonus season
23 you can't use the entire wave, but considering that the
24 bonus season closes mid-October, so there shouldn't be

1 any fishing in the end of the wave especially for
2 Connecticut, New York and Rhode Island; when you look
3 at the bonus season and what took place last year, Rhode
4 Island's landings on the party boat mode were down by
5 20 percent; New York's were down 90-something percent
6 in the party boat mode; Massachusetts was down about 15
7 percent.

8 The only people that took a hit last year
9 was the party boat mode, and the reason why: because
10 the bag limit was cut and the season was cut. The
11 decision was made by the Board to keep the rest of the
12 season for the private angler the same. Private
13 landings went through the roof.

14 So, I mean, I think if you look at the
15 two things that I flagged, we're not over -- I mean you
16 can't pick and choose the data that you want. And it's
17 kind of -- what I have done here to demonstrate, that
18 when you put it all together, it doesn't add up to a whole
19 lot.

20 But there's another thing I've heard:
21 we have to be careful with the bonus season because
22 during the bonus season you're catching sea bass along
23 with the scup. That's true. I looked at last year's
24 landing of sea bass by the party boat mode during the

1 bonus seasons. It was down 50 percent from the year
2 before. So I can use the data to show that if you
3 eliminate the bonus season, there were more fish caught
4 outside of it. So the party boats are better off to have
5 a 10 fish bag limit because the data supports that, that
6 the landings are going to go through the roof.

7 So, if you pick and choose -- I know you
8 can't break MRFSS down, but this is a good example that
9 when you do, it doesn't add up to a lot. But I just find
10 it very, very hard to believe that Connecticut went up
11 400 percent.

12 I also find it very hard to believe that
13 in the party boat mode in New York that it dropped to
14 90 percent. That didn't happen, but that's what the
15 data shows, and that's what we're putting together to
16 say -- I don't know where you go with this, but it just
17 doesn't add up.

18 My question on that was: Were those two
19 things looked at that should have been flagged; was the
20 charter boat landings in New York and the fact that
21 Connecticut had a 400 percent increase? Those are two
22 places that should be flagged.

23 TONI KERNS: For Wave 5 data I can't --
24 for Wave 5 no one knows, but for Wave 4 when we got

1 together as a Monitoring Committee and when the wave
2 meetings have happened, no one has said that they see
3 huge anomalies. It never came up for scup. And for the
4 individuals that were at the meetings, some industry
5 members as well as the biologists they said that scup
6 availability was high and that people were catching it
7 all the time, so that having these numbers wasn't all
8 that surprising. And so no one said they needed to
9 investigate any of these numbers.

10 FRANK BLOUNT: It's theoretically
11 impossible. I mean in Rhode Island, I was the only
12 party boat catching scup for most of the year, and I had
13 to average over a thousand fish a day. It didn't
14 happen.

15 But Rhode Island's such a small player
16 it really doesn't make a difference. But I can tell you
17 exactly how many scup were caught in Rhode Island, and
18 I did not average a thousand fish a day. And that's a
19 reduction from the year before.

20 COUNCIL COMMITTEE CHAIRMAN JACK

21 TRAVELSTEAD: Thank you. Steve.

22 STEVE HEINS: Just to that point, I'm
23 doing a little math here. The charter mode in Wave 4
24 for New York, just charter mode was 51 percent of the

1 landings for Wave 4. That is anomalous.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: Any further questions? Yes, Chris.

4 CHRISTOPHER ZEMAN: Do the MRFSS
5 reviews ever find anything anomalous?

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: Apparently they do occasionally. I
8 can't give you any details. Any further questions of
9 the staff? If not then we need to move toward a motion.
10 David.

11 DAVID SIMPSON: So the northern region
12 is supposed to reduce by 18 percent. New Jersey's
13 recreational fishery has to reduce by -- what was it --
14 85 percent -- 81 percent. I'm sorry. I didn't mean to
15 exaggerate.

16 All this in the context of a fishery --
17 I will go back to the allocation issue from the meeting
18 in November where from '07 to '09 the commercial
19 discards accounted for 48 percent of the removals from
20 this population, the recreational landings 14 percent,
21 recreational discards 4 percent. This is by numbers.

22 So almost half of this population is
23 allocated to waste in the commercial fishery which
24 predominantly occurs in federal waters. And under

1 those conditions, I don't believe Connecticut can
2 accept anything along the lines of reductions.

3 I think we need to take a giant step back
4 in terms of reasonable access for the public to this
5 resource. We need to reduce the minimum size so that
6 there's access for shore-based anglers. We need a
7 wholesale rethinking of scup management. Trying to
8 manage this species by MRFSS estimates on an annual
9 basis is ill advised. You can see the problems that
10 develop from this. I don't think anyone from MRFSS
11 would ever come in here and suggest that quota-based
12 management is an appropriate use of MRFSS data, and I
13 don't think we'll hear that from them when we begin to
14 get our reinvented MRIP with all our state licenses now.

15 I'm not optimistic that it's going to
16 change things radically. And so I think we need to take
17 a step back and set reasonable access rules, and
18 whatever the estimates are they are.

19 And I had a motion crafted, but I'm a
20 little bit concerned about it based on what I heard Frank
21 say. But I will offer it up to get the discussion going.
22 And that is for the states from Massachusetts to New
23 Jersey to adopt a 9 inch minimum size and a 10 fish limit
24 and allow a 30 day bonus season with a 30 fish bag limit

1 for all anglers, not just party boats, and that there
2 be no closed season and that other states adopt an 8 inch
3 minimum size and a 10 fish limit with no closed season.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: David, that was on behalf of the Board,
6 and it's seconded by Pat Augustine.

7 PAT AUGUSTINE: And I'll move for the
8 Council.

9 COUNCIL COMMITTEE CHAIRMAN JACK

10 TRAVELSTEAD: Is there a second for the Council?
11 Second by Chris for the Council. So let's make sure we
12 get the motion up on the screen so we all understand it
13 before we start discussing. Jan, do you have it, or do
14 you need Dave to restate it?

15 [Inaudible.]

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Chris.

18 CHRISTOPHER ZEMAN: I just seconded
19 that motion just for discussion purposes only. But I
20 do want to make sure that it's clear that we haven't
21 developed any management measures or evaluated any
22 management measures for this 24 and 26 percent
23 reduction. Is that correct?

24 TONI KERNS: Yes, because, Chris,

1 normally the Commission adopts conservation
2 equivalency. The Council does not have that in their
3 plan, and so the Commission usually adopts conservation
4 equivalency, and then we go home and put together a
5 proposal that's reviewed by the Technical Committee and
6 then adopted by the Board, and the Council suggests a
7 set of regulations for federal waters which then goes
8 through rule making just like summer flounder and black
9 sea bass do. They don't always equal each other.

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Pete, while we're waiting for the motion.

12 PETER HIMCHAK: Okay. Just so I
13 understand; I'm unfamiliar with that: The bonus system
14 essentially has a different possession limit during 30
15 days that the state would pick at its discretion. Okay.
16 Thank you.

17 COUNCIL COMMITTEE CHAIRMAN JACK

18 TRAVELSTEAD: Rick.

19 COUNCIL CHAIRMAN RICHARD ROBINS: Mr.
20 Chairman, I'm just going to raise a point of order, I
21 think, on behalf of the Council. I suggest this motion
22 may be out of order, in fact, because the whole point
23 of this exercise is to develop recreational measures
24 that would achieve the recreational harvest limit, and

1 this doesn't come close to achieving that.

2 So I think we're in a very unfortunate
3 position today in that we have been able to raise the
4 recreational harvest limit and quota on a rebuilt stock
5 by 42 percent, yet we find ourselves here trying to or
6 having to impose reductions on the fishery through the
7 adjustment of recreational measures. But that
8 situation can be traced back to last year's decision,
9 I think, to set recreational measures where when those
10 were set in state waters they were expected to exceed
11 the recreational harvest limit by over 30 percent. So
12 the increase in quota has basically been precaught.
13 It's an unfortunate situation, but I think we can look
14 back and see how this happened. But at any rate, I think
15 on the Council's side, this may be out of order.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: I'm not sure it's out of order as much as
18 it obviously doesn't achieve the staff recommended
19 percent reductions, and I think people will just take
20 that into account when they vote on it, on the motion.
21 Dave Pierce.

22 DAVID PIERCE: I think David's motion
23 is a bold one, and it's a good one. He's highlighted
24 a number of truisms that cannot be ignored, and one of

1 those that stands out dramatically is the amount of
2 discard that's occurring in the commercial fishery
3 offshore in the EEZ.

4 In federal waters, it's one of the
5 principal sources of mortality, and it influences the
6 thinking of states and their recreational fisheries and
7 how we deal with the need to cut back on catching.

8 We have, in deed, attempted to do that
9 with varying degrees of success. Certainly, in 2010 it
10 appears that in Massachusetts anyways we did not have
11 a reduction in catch -- an increase in catch; we had an
12 actual reduction, landings that is. I'm influenced --
13 I'm not a Council member -- I'm influenced by the fact
14 that I know what the SSC, the Mid-Atlantic Council SSC,
15 recommended for the -- biological catch.

16 The landings specifically they gave the
17 Council a recommendation of about 43 million pounds for
18 landings. That was the ABC recommended by your SSC, 43
19 million pounds. After a great deal of discussion,
20 concern about the status of the certainty of the
21 database and of the assessment, they eventually
22 collectively ended up with 20 million pounds.

23 So, in terms of this particular motion
24 relative to the ABC recommended by the SSC, I think the

1 motion poses no problem for stock status in the context
2 of the ABC recommended by SSC. Instead of 43 million,
3 we've gone down to 20 million and then divided, of
4 course, between the commercial and the recreational.

5 There's another issues as well, that, of
6 course, we can't really deal with today, but it still
7 influences my thinking, and that is the way in which the
8 catch is allocated between the commercial and the
9 recreational fishery. We've got a 78-22 split. We
10 debated this issue at a previous meeting. It went some
11 distance but not as far as I wanted this to go. So
12 there's that split that needs to be revisited. In deed,
13 if it was revisited, we wouldn't end up with this kind
14 of a problem relative to landings versus the target.

15 So I'm influenced by the SSC
16 recommendation. I'm influenced by the split between
17 commercial and recreational fisheries. I'm influenced
18 by the amount of waste and discard and mortality that
19 occurs in the EEZ, and the fact that the states certainly
20 in the northern area, Massachusetts through New York,
21 we've taken some very responsible action, certainly,
22 over the last few years and previous years, for that
23 matter, to try to keep within the target.

24 And we have voluntarily tried to develop

1 the same seasons, bonus seasons, the same strategies to
2 provide for consistency between the states. So with
3 all that said, I recognize the concerns of Rick, and I
4 recognize the Council's concerns and the requirements
5 of the Council; but in terms of what I need to do in my
6 state, especially in the context of our now having a
7 recreation license in our state this year, I think the
8 motion makes a great deal of sense.

9 COUNCIL COMMITTEE CHAIRMAN JACK

10 TRAVELSTEAD: Further comments on the motion? Chris.

11 CHRISTOPHER ZEMAN: Have we ever
12 switched a state from one allocated region to another
13 region in like a specification? Is that something
14 we're okay to do? Because you really -- I guess New
15 Jersey would be leaving the southern states with a
16 portion of that 3 percent to go to the northern states.
17 Would we take a portion of that 3 percent with us? I'm
18 not sure how it would work.

19 JESSICA COAKLEY: Well, for federal
20 waters we manage on a coastwide basis. The state -- the
21 northern-southern region conservation equivalency is
22 within the Commission FMP only, so the -- well, Toni's
23 not here.

24 I'm not sure if shifting that around

1 would require an addendum or whatever kind of action she
2 might need to take. If you were to move a state like
3 New Jersey into a northern region or things like that
4 I'm not sure what tool it would require.

5 If we all did this together and adopted
6 this as a coastwide regulation, then we wouldn't need
7 to shift the addendum, but if the Council does not adopt
8 these measures and just the Commission does, then
9 there's a possibility we would need to change the
10 addendum because of the way the region is set up with
11 97 percent, and it specifically identifies the four
12 northern states as part of that region and that New
13 Jersey is a part of the southern region with 3 percent.
14 So we may need to do an addendum to change that.

15 COUNCIL COMMITTEE CHAIRMAN JACK

16 TRAVELSTEAD: Chris.

17 CHRISTOPHER ZEMAN: I would ask:
18 Could we take a five-minute break just to discuss this
19 for a minute among members?

20 COUNCIL COMMITTEE CHAIRMAN JACK

21 TRAVELSTEAD: Does the group think we'll benefit from
22 that? I don't see any affirmation that that will help,
23 Chris. I don't have any other -- I'm sorry. Pat had
24 her hand up.

1 PATRICIA KURKUL: Thanks. I'm I think
2 for obvious reasons concerned about the motion. It's
3 not consistent with the Council's requirements at the
4 very least, and so sort of best-case scenario we'd end
5 up with different measures in federal waters than in
6 state waters.

7 And I think worst-case scenario we could
8 potentially end up with a closure of the EEZ for scup.
9 So I strongly urge us to look at other alternatives. In
10 some ways we're in this situation because of the actions
11 that we took last year, which were to not to sufficiently
12 match the measures to the TAC we were trying to achieve,
13 and, in fact, I think we knew last year we were going
14 to blow through it. And so now we're in the situation
15 that we created and trying to, I think, take the same
16 sort of inappropriate approach to fixing the situation.
17 So I urge the Council and the Board to vote against the
18 motion.

19 COUNCIL COMMITTEE CHAIRMAN JACK
20 TRAVELSTEAD: Any final comments? Adam.

21 ADAM NOWALSKI: Thank you,
22 Mr. Chairman. Again, commenting on behalf of the
23 Commission, you know, while the Commission isn't
24 constrained by Magnuson as we sit here in a joint

1 session, we hear the overriding concerns of Magnuson;
2 and so as a commissioner I do have to look at Magnuson
3 to understand where council members come from.

4 And I find myself looking at National
5 Standard 1, which says this is the overriding
6 requirement where we need to make sure that we're not
7 overfishing the stock. These landings at the level
8 they're at do not come anywhere near reaching the over
9 fishing level. That is not a threat. Nothing that we
10 have before us threatens the stock.

11 So we have the second component of
12 National Standard 1 which says we should be trying to
13 achieve optimum yield. Okay. When we hear from
14 constituents, when we look at what the landings do, when
15 we see how far below the OFL level we have, that has to
16 become a very real concern at that point. And then when
17 we go back to look at the actual FMP, you say, okay, well,
18 what are we actually trying to do? It says that we're
19 proposing measures to constrain the catch.

20 When we go back and look at how our
21 measures that were supposedly put in place to constrain
22 the catch to a particular level have performed in recent
23 history, they haven't. The last three years, two years
24 ago, we were 121 percent over.

1 So apparently the process that we have
2 before us hasn't been working. Following the same
3 process again is likely not to work. At least we've got
4 something else here that we can sit back and say, hey,
5 this is going to bring the possession limit down
6 significantly from where it was.

7 I think a fresh set of eyes on this or
8 a fresh approach certainly gives us an equal chance to
9 achieve the desired target as where it's been at any
10 point in the past because it hasn't been working. The
11 last four years were over every year following the same
12 process. We need a fresh set of eyes on this, and I
13 applaud this motion. Thank you.

14 COUNCIL COMMITTEE CHAIRMAN JACK

15 TRAVELSTEAD: Dave.

16 DAVID SIMPSON: I'm trying to think
17 about whether I wanted to say anything or not. You
18 know, I appreciate Pat's comments. I understand them.
19 But I think we have this overriding obligation to the
20 public, especially in an era where now the federal
21 government has effectively mandated that they all be
22 licensed and we have rebuilt the stock, but we have one
23 segment of the industry that's been incredibly
24 constrained while another part has really not felt any

1 consequential restraint or restrictions, any burden of
2 responsibility for managing this resource and
3 conserving it.

4 And at a time when I look at the last
5 three years and I see that fully 48 percent by numbers
6 are discarded dead, there's plenty of room for the
7 federal side of this plan to take effective conservation
8 measures that would allow the recreational fishery
9 reasonable access and not terribly burden the federal
10 waters fisheries.

11 Simply put: The federal waters
12 fisheries need to clean up their act a little bit and
13 allow reasonable access for the tens, hundreds of
14 thousands of members of the public who simply want to
15 be able to take a 9 inch fish home from the dock in
16 October, which we're arresting people for. Do you know
17 absurd that is? We're discarding 12 million fish a year
18 out in the ocean dead, and we're pinching people and
19 fining them 70-some dollars for taking two 9 inch scup
20 home. This is simply something that I don't believe the
21 state of Connecticut can just sit by and nod and say,
22 yup, we'll follow the lead of the Mid-Atlantic Council
23 and be good soldiers and do whatever the plan requires.

24 We need to find some reasonable access

1 and reasonable equity between sectors of this fishery
2 and between the burden of conservation in state waters
3 versus federal waters. It's time for the federal
4 waters fisheries to do a little bit here.

5 COUNCIL COMMITTEE CHAIRMAN JACK

6 TRAVELSTEAD: Pete.

7 PETER HIMCHAK: Yes. Thank you, Mr.
8 Chairman. You know, I dread this meeting every year.
9 But we're essentially locked into a mechanical process
10 that gives us numbers to deal with that we have very
11 little confidence in.

12 And for me to go back and say, well,
13 okay, guys, we got to reduce the recreational fishery
14 by 81 percent based on numbers that have a PFC of 38
15 percent when the SSB is at such high elevated landings.
16 And by the way, we just increased the commercial trip
17 limit in Winter 1 period from 20 or 30,000 pounds per
18 trip every two weeks to every week. I can't explain
19 that. I can't come up with a good argument for telling
20 them that they have to do that to prevent over fishing.
21 And I think Adam touched on this. I mean we're kind of
22 like locked into numbers and equations and a process
23 that kind of makes us do things that we know that we're
24 -- we don't have that much confidence in, and I'll just

1 leave it at that.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: Pat Augustine.

4 PAT AUGUSTINE: Thank you,
5 Mr. Chairman. To a couple of points that Mr. Simpson
6 made, maybe this is the time where we have to have that
7 division like we had in some past years where we had a
8 separation in I believe it was scup, as a matter of fact,
9 where the states took one course and the federal waters
10 took another course; and then the following year we paid
11 a pretty heavy penalty.

12 That being said, I still support the
13 direction that we're going. I still support the
14 reality of where we are with the status of the stock.
15 I just believe the same as Mr. Himchak said: We're
16 dealing with call it flawed data; call it what you want;
17 the credibility of the system that we're using as the
18 basis for making our quota allocations just -- the
19 credibility isn't there; it's non existent.

20 MRIP should improve it somewhat, but the
21 bridge hasn't been rebuilt to the public and to
22 ourselves where we have any kind of a level or a level
23 of comfort with what we're hearing. We do, in fact,
24 have a level of comfort from what the SSC has done in

1 the last two or three years, incredibly, incredibly
2 outstanding data, incredibly solid stock assessments.

3 And between Dr. Weinberg and
4 Dr. Morman, Nancy Thompson, Dr. Thompson, they have done
5 an incredible job in responding to us for what our needs
6 are. The credibility of their data to my mind is
7 unquestioned, and yet we have another layer that looks
8 at that, the Monitoring Committee and then the staff,
9 and then we have to deal with what we have to deal with.

10 So it almost seems like this is a time
11 where we have to take that hard decision and have that
12 split where ASMFC has a quota, and the federal group has
13 a quota, and that's where we are. It's going to be
14 untenable, but I don't see any other option.

15 We can sit here for another two hours
16 beating our gums about which way to go, whether this is
17 right or wrong, but in my humble eyes -- and, again, I'm
18 very old and have to wear glasses -- I still believe this
19 is what we have to do.

20 Let's face reality. We've got to take
21 off the pink glasses and look at where we really are.
22 Mr. Himchak is absolutely right. We're locked into a
23 process of data that's being made available to us that
24 we all question. In some states your PSA is what -- 38

1 percent or 35 percent. In others it's much less. But
2 the credibility and what we do today is going to tell
3 whether people will be abiding by what we are
4 recommending we do, or they're going to just go fishing
5 and catch what they want.

6 We're depriving them of a natural
7 resource that we're controlling to the nth degree. And
8 I'll use one example, and I'll shut up. We have more
9 kids playing soccer and Little League Football and
10 wrestling now than we've ever had in the history of the
11 youth on Long Island.

12 When you have 600 soccer teams and you
13 can count the children who are out on the boats on one
14 hand on a weekend, there's something wrong with that
15 picture. So I would support this motion, and I would
16 hope all you Council members and Board also support it.
17 Thank you, Mr. Chairman.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: Pat Kurkul.

20 PATRICIA KURKUL: Thank you,
21 Mr. Chair. I think -- I want to make a couple of points,
22 I guess, based on the comments that were made. One is
23 that we have to look at all the provisions of the
24 Magnuson Act and not just a couple of them. And,

1 frankly, if the issue here is the harvest level, then
2 we ought to be looking at the harvest level and not doing
3 something that's inconsistent with the decision that
4 this group made. And if the issue is the allocation,
5 then we ought to be looking at the allocation and, again,
6 not doing something inconsistent with the policy of both
7 of these groups, not just the federal side, but both of
8 these groups.

9 And frankly, we can't solve the problem
10 by trying to pretend the pie is bigger. I mean fix the
11 underlying problems or live with the decisions that you
12 made and the decisions we've made in the past.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: Lee.

15 LEE ANDERSON: I must say I'm a bit
16 confused here. But we heard Jessica's comment starting
17 out, and she didn't go way back to the beginning but we
18 had an SSC that came up with an ABC, and then we came
19 up with a recommendation. That's when she started in
20 and followed all the data through that said we have to
21 make cuts to come into compliance.

22 And then it seems to me what I'm hearing
23 around the table is: I didn't hear her report that said
24 that's we have to do; let's make another motion, and it's

1 not going to do what our staff tells us to do. A vote
2 for this motion says we're not going to accomplish what
3 we have to do. People can talk about it and waive and
4 say, oh, it doesn't exist; I don't care. It does exist.
5 I'm sorry. I cannot speak in favor. I will not vote
6 for this motions.

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: Rick.

9 COUNCIL CHAIRMAN RICHARD ROBINS: I
10 just wanted to follow on Pat Kurkul's comment and on the
11 issue I think is really wasn't into this discussion very
12 substantially, and that is the question of recreational
13 access and allocation. And that is an issue that we're
14 beginning to deal with.

15 We agreed at the annual meeting of the
16 ASMFC when we met jointly that we would initiate an
17 economic study of the allocation question. I just
18 wanted to remind the group of that, that we're already
19 beginning to initiate that. We're going to discuss it
20 tomorrow in Executive Committee but would anticipate
21 that we develop a statement of work for that
22 investigation of that specific question.

23 But I think that's better addressed
24 through the amendment process than it is on a defacto

1 basis through the establishment of measures. So I
2 think that's an important distinction from what we're
3 doing here today.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: How many times do people want to speak on
6 this issue? I think we've all been heard a number of
7 times. I'm not sure. Pat, just real quick.

8 PAT AUGUSTINE: With that new
9 information that's responding to Ms. Kurkul's comment,
10 we're not addressing and fixing the problem, and the
11 problem is where we've set the level of the quota.

12 So having said that, maybe the way to fix
13 it is to make a motion to go back to address the quota.
14 I'm not sure we can do it at this late date, but that
15 would fix the problem. And I'm not sure a motion's in
16 order.

17 And then if it were in order, I would go
18 back and look at the recommendation from the SSC, which
19 was 40 million pounds -- and we stopped at 20 -- and go
20 back to my original motion which I think was 30. So are
21 we in order or out of order if we do that, Mr. Chairman?
22 I don't know. That would fix the problem.

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: Chris, I think you're the last hand from

1 the Council, and there's at least one hand in the
2 audience we'll hear from, and then we'll vote.

3 CHRISTOPHER ZEMAN: It is a difficult
4 issue because it sounds like this -- you know, based on
5 our targets, and this motion seems like it will not
6 satisfy, but I also don't have any analysis of what would
7 or any recommendations of how we could tweak this motion
8 to make it closer to any sort of target.

9 This seems to be sort of going in the way
10 where the Council tends to go, but I frankly don't
11 understand how far off we are from our goal and what
12 changes we can make to this to make it more palatable
13 or achieve our conservation goals.

14 COUNCIL COMMITTEE CHAIRMAN JACK
15 TRAVELSTEAD: Well, the staff did offer up a
16 recommendation for federal waters of 11 1/2 inches, 10
17 fish and an open season of May 24 to September 26, so.
18 You do have that in your material.

19 Let's hear from the audience. Mr. Leo.
20 It looks like we've got several hands. We'll hear from
21 all of you. I'd just ask that you make it as quick as
22 you can.

23 ARNOLD LEO: Thank you,
24 Mr. Chairman. Arnold Leo, a fisheries consultant, Town

1 of East Hampton. You know, this situation really
2 appears to some of us as an example of simple
3 mismanagement.

4 I mean to have originally been given a
5 recommendation by the SSC of 42.9 million pounds and to
6 end up with a quota that was voted on last year just asks
7 for this problem. It's not overfishing. It's giving
8 an underage in the quota. It's as simple as that. And
9 I certainly agree with Mr. Augustine when he says maybe
10 we should send this one back to the SSC and get their
11 review of it and act on the SSC's recommendation for an
12 ABC.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: Go ahead, right here. If you guys could
15 kind of que up behind the mic., we'll just run free.

16 PAUL FOSBERG: Paul Forsberg, Viking
17 fishing fleet, Montauk, New York. This proposal -- I
18 just want to bring to your attention most of you probably
19 know that most of the people that fish on a party fishing
20 boat are from a limited and a low income. They depend
21 on these fish for food.

22 And when we have a 10 fish limit during
23 the summer season and our boat stays tied to the dock.
24 We are the smallest boat in our fleet that does scup

1 fishing, porgy fishing in July and
2 August. We carry eight to ten people a day. On other
3 days we stay tied to the dock. As soon as we are allowed
4 on September 1st, previously to go up to 40 fish we use
5 the biggest boat in our fleet, and we go from 8 to 10
6 people a day to 60 to 80 people a day. That has to tell
7 somebody something, that when these people can catch
8 fish, they can afford to go fishing.

9 Now, with this proposal, you're
10 dropping us to 30 days from 40. You already dropped us
11 from 50 fish to 45 to 40 fish. Now you've cut them down
12 to 30. That's going to knock out a certain amount of
13 those people that can afford to go fishing.

14 We used to have 45 days fishing. Now
15 you're posing to go down to 30 days fishing. This bonus
16 season is spring and fall when the weather is very
17 unpredictable. We lose a lot of days with weather. So
18 we don't fish 30 days. We don't get that in. We never
19 do. Even when we have 40 days, we're lucky to get 28
20 -- 27/28 days in.

21 So now we're going to get cut down again
22 on that side. Now, these are the people that need to
23 fish the most, and you're boxing them out of the fishery.
24 Now you turned around -- we've been limited in -- after

1 the season we've been limited with the RSA, and we extend
2 our season with the RSA, and it's been very successful.
3 We've been doing it for four years now. It has worked
4 out very well. It allowed these people a chance to go
5 fishing after the season. We buy the fish, and they can
6 come fishing. Now with you keeping the season open 12
7 months a year, you've boxed those people out of that also
8 because now we can't have the RSA when the season is
9 open.

10 So you've taken the people that are the
11 most needy and cut them down to 20-odd days of fishing
12 per year. Not only the amount of people that the boats
13 and the people that work on these boats that support this
14 industry you're knocking them out of work.

15 And I thought the idea of our government
16 was to try and get jobs back. You're taking them away,
17 and you're cutting something down that's a fishery
18 that's rebuilt 212 percent Pat Augustine said. I
19 thought it was 208. But over 200 percent and you're
20 taking it away from the people that need it the most.
21 I don't think that's fair at all. Thank you.

22 JOSEPH HUCKEMEYER: Joseph Huckemeyer,
23 party boat owner Massachusetts. I feel like I'm
24 watching Jeopardy here. You know, we're working

1 backwards because we're starting off with a SSC
2 proposal, and then we get a haircut on that, and now
3 we're just trying to play catch up. The problem is not
4 at the end here. The problem is at the beginning. The
5 scup stock is in as good a shape -- I'm been doing it,
6 fishing, for 38 years, and I've never seen the amount
7 of scup on the ocean and the spread of fish up and down
8 the coast. And we go through this every year. Looked
9 liked like this year was going to be the year we get over
10 the hump and we were going to be able to do what we're
11 doing now when looking at fluke.

12 And I appreciate Dave's proposal here
13 because it has a lot of merit. But, as a party boat
14 owner, when we get down here, we're losing days, we're
15 losing the opportunity to make a living.

16 On the 9 inch, I know Jersey's going to
17 have a problem with it. I'd be happy to go with 10
18 inches and then bring the number of days back up just
19 to keep us going so we can make it to that year where
20 we get over the hump. We're managing fish on the way
21 up the same way we managed them when they were on their
22 way down, and we're basically chasing our tail.

23 And I think you should rethink this a
24 little bit to somehow work on the other end where the

1 quota that we got where the commercial-recreational
2 split is addressed because it's such a small fix. If
3 you take those two parts into the picture. This is
4 going to be awful. There's a hundred businesses in New
5 England that depend on this spring fishery up by me.
6 This room would be full five times what there is in the
7 audience. Everybody here basically probably came for
8 sea bass, but nobody had any idea that this was coming
9 down the pipe.

10 MONTY HAWKINS: Monty Hawkins, Party
11 Boat Skipper, Ocean City, Maryland. I've seen twice on
12 the screen that angler behavior is difficult to predict.
13 Well, that's incorrect. Angler participation is very
14 easy to predict. It's MRFSS data that is very difficult
15 to predict.

16 How MRFSS interprets angler
17 participation is -- the nearest thing you can compare
18 it to is somebody on heroin. It's just up and down like
19 crazy. It's unbelievable. The MRFSS data is
20 unbelievable. The public doesn't believe it. I've
21 heard numerous comments around this table that you all
22 don't believe it.

23 So it's just time to go with common
24 sense. Go with what things you know have worked in the

1 past. It's time to go with common sense and leave the
2 MRFSS data out of it. Thank you.

3 HOWARD BOGAN: Howard Bogan. I have a
4 party boat Jamaica. I know they've been talking about
5 addressing the allocation issue for a few years, and
6 nothing's happened on that. I really think they should
7 move on that and quick. But right now we have all the
8 members of the Council and the Commission. We have a
9 recommendation for a 43 million pound quota. We're at
10 20. Why can't they vote on a larger quota right now?
11 We're not voting for anything that hasn't been approved
12 already, so I don't see why you can't do that today. It
13 should be done today.

14 And as far as the bag limit, you got to
15 keep in mind, too, that customers on party boats and
16 charter boats they don't live two miles from the ocean;
17 they don't have their own boat; they don't go out every
18 day.

19 A lot of them drive an hour, three hours,
20 even four hours to come out on our boat. And if they
21 don't have the opportunity to catch more fish, it's not
22 going to be worth it for them to come out.

23 And we charge anywhere from \$60 to \$180
24 per trip, so it's a substantial amount of money they're

1 paying to make that trip besides the time and everything
2 else invested in it. Thank you.

3 GREG DIDOMENICO: Greg DiDomenico,
4 Garden State Seafood Association. Just a quick perhaps
5 question or comment to the maker of the motion, if that's
6 okay, Mr. Chair. Dave, would you consider bringing the
7 commercial fish limit to 8 inches as well?

8 DAVID SIMPSON: The proposal is 9
9 inches. I was going to leave the states from Delaware
10 south at 8 inches -- you know, because there's no need
11 to change it. They don't catch anything anyway, and on
12 the occasion that something wanders into their waters
13 it seems reasonable for the public to have access to it.

14 If you think that you can address your
15 discard problem -- your discard problem -- the discard
16 problem in the commercial fishery in federal waters by
17 lowering the minimum size, I'm all ears. I think there
18 are bigger things at play, predominantly the low value
19 of scup and the low incentive that provides to clean up
20 the fishery.

21 To talk very plainly, I think it's still
22 all about squid in the mid-Atlantic, and scup is
23 collateral damage to that fishery, and the recreational
24 scup fishery is paying the price of that.

1 GREG DIDOMENICO: Actually, I'll have
2 to look into the question of what has occurred in the
3 loligo fishery since the GRA's over the last couple
4 years, but I'm fairly certain that the bycatch in the
5 loligo fishery is minimal at this point, so your
6 characterization of the fishery both what your comments
7 said before are a little -- well, they're a little
8 discouraging personally, but that's okay. I just want
9 to make sure that -- I brought this up to you because
10 certainly if we have a 9 inch fish limit in the
11 commercial fishery, if, in fact, there is some benefit
12 there to doing something about the bycatch issue, I
13 would certainly be supportive of an 8 inch fish in the
14 commercial fishery. Thank you.

15 DAVID SIMPSON: If I could, Jack. You
16 know, if you read the documents from Mid-Atlantic
17 Council, the squid fishery, I believe it's the No. 1
18 bycatch species is scup, and the loligo fishery, and as
19 you all know, butterfish is a close second. And
20 something like -- what is it -- like three-quarters of
21 the butterfish TAC is allocated to basically squid
22 bycatch.

23 So I don't think I'm off on my comments.
24 That it's still even after GRA's, which were very

1 significant, I think that's why we have scup now is
2 finally we got boats off of the millions of young
3 recruits that were being taken every year. That's why
4 we have scup around now -- I'm convinced of it -- that
5 and 4 1/2 inch mesh.

6 But I think there's a whole lot more that
7 needs to be done to make that fishery more efficient so
8 that there's enough fish around for a decent
9 recreational fishing opportunity, the
10 shore-based angler, the small-boat angler that you hear
11 about who we have to tell you can't take that 9 inch fish
12 in October; we're saving that for discards in the winter
13 fishery. I can't do that anymore, and I don't think the
14 state of Connecticut can handle it anymore.

15 COUNCIL COMMITTEE CHAIRMAN JACK

16 TRAVELSTEAD: Go ahead, sir.

17 JEFF GUTMAN: Jeff Gutman, Party Boat
18 Owner from New Jersey. First, I would echo what Howard
19 Bogan said about the people traveling a lot and paying
20 a lot. And the small bag limit it becomes problematic.
21 It does result in the boats staying tied to the dock.

22 I had a couple questions, and maybe you
23 can help me with this. Can someone tell me what the
24 current assessment of, I guess, the spawning stock

1 biomass or the stock biomass is? The numbers we always
2 hear 200 percent, 220, 400. Can somebody smarter than
3 me tell me?

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: Go ahead, and we'll look that number up
6 for you while you're talking.

7 JEFF GUTMAN: Oh, okay. Thank you.

8 Also, another question I had -- and I, again, was here
9 last year, and I inquired from a couple people. I don't
10 know how it happened, but I know last year myself and
11 Howard Bogan had discussed -- had questioned you guys
12 wanting to close the EEZ in January and February when
13 it had been open in the past. And I thought that the
14 motion that was eventually passed had that open last
15 year. Am I a hundred percent wrong here? Because I
16 remember that being a big issue, and you guys saying that
17 the January-February EEZ fishery was like 6,000 fish or
18 something, which could have only been caught by a couple
19 boats that are represented here that pursued that at
20 that time.

21 So I'm must trying to see what happened.
22 Was it passed here and then taken out later somewhere
23 else, or am I just mistaken? Somebody have the minutes
24 from then?

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: Adam, go ahead.

3 ADAM NOWALSKI: What wound up
4 happening, Jeff -- I just went back and looked at the
5 proposed rules -- the Council made the recommendation
6 of January and February plus a period of time from June
7 into September.

8 When the final wave data came out, the
9 required reduction went from 35 fish to
10 30 -- from 35 percent to 30 percent. In the final rule
11 that was promulgated by the Service, what they did was
12 they added a number of days to the
13 June-to-September period and then took out the
14 January-February time frame.

15 JEFF GUTMAN: So it was in here -- it was
16 in it when we left here?

17 ADAM NOWALSKI: It was in here, and then
18 when the final rule came out, it was modified.

19 JEFF GUTMAN: Okay. Well, I guess one
20 question is: Is there any way that we can get that back?
21 I mean it sounds so deminimus. No, we can't get that
22 back. No way.

23 (Inaudible.)

24 JEFF GUTMAN: Someone's shaking their

1 head. Well, we get it back in the motion, except that
2 the Service, the Regional Administrator, said that she
3 wouldn't go by this. She would probably have to close
4 the EEZ. So that's why I'm worried.

5 Otherwise, I would assume that I was
6 getting it back in the motion, but she said -- you did
7 say that, correct, that you have to close the EEZ? So
8 we don't get it. So I'm asking someone to let us fish
9 that little bit of January and February for the little
10 bit that it is.

11 It doesn't affect anything with
12 millions and millions of pounds coming. Or hopefully
13 the administrator won't close the EEZ, one of the two.
14 But, like I said, it seems like somehow we had it in there
15 last year, and it doesn't affect really a hill of beans,
16 and now somehow it got taken out before it was finally
17 approved. That's one issue that I find bothersome is
18 that it was voted on here, and then it was taken out
19 later.

20 But with that, obviously, one of the
21 reasons that the administrator said we're going to blow
22 through the target is because the target is ridiculously
23 low. We all say that. We keep saying that. Everybody
24 knows that.

1 It goes from whatever it is, 40 million
2 to 20 million; that's what we work on and then the split.
3 But it is a ridiculous amount. I mean you're going to
4 get back to me with the number of the biomass. Is that
5 200 percent or?

6 JESSICA COAKLEY: Okay. Just two
7 quick points. One, I want to make sure that we got the
8 2010 federal season correct. It was 10 1/2 inches, 10
9 fish, open from July 6th to September 26th. That was
10 the federal season.

11 The SSB in 2009 based on last year's
12 update was 342 million pounds. The OFL, which is catch
13 based, was 67.5 million pounds. The ABC that was
14 recommended by the SSC was 51.7 million pounds; however,
15 they noted they strongly supported the recommendations
16 of the Data Force Stock Work Group not to rapidly
17 increase quotas to meet the revised MSY. The MSY value,
18 which is also catch based, is 28.9 million pounds. So
19 those are all the numbers I can think of you might be
20 interested in.

21 JEFF GUTMAN: Okay. I guess the
22 easiest way for me to understand it is how many percent
23 above target are we? Can you tell me? I mean that
24 seems to be the 200 percent number.

1 [Inaudible.]

2 JEFF GUTMAN: What's that? Whatever
3 the target was it sounds like -- in other words, you guys
4 did such a great job here. You've achieved your goal
5 twice or more over, and yet we come in here every year,
6 and we have to -- you know, beg just to get a little bit,
7 just to hold ground, or just to not get killed as much,
8 just to slow the bleeding down.

9 And it's really -- it's a damn shame.
10 And I know a lot of these guys, I think
11 Mr. Augustine and this fellah who doesn't have a plaque,
12 seems to have a good handle on that. They realize that
13 this is -- it's a broken system. It's a totally broken
14 system.

15 It's a system that seems to allow now for
16 more liberalization with a stock like fluke which may
17 or may not be rebuilt, but as a fishery not rebuilt, than
18 with a stock that is multiple times rebuilt. You know,
19 it seems like we're going -- it's counter intuitive.
20 We're going absolutely backwards. And I mean if that's
21 the case, then it seems that the whole fisheries plan,
22 the whole program here is not -- it doesn't go -- it's
23 more of an agenda being put forth than following the
24 mission statement that it sets forth. Thank you.

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: Thank you. All right. I think we're
3 ready to vote. Rick.

4 COUNCIL CHAIRMAN RICHARD ROBINS:

5 Jack, I'm actually going to suggest that we take a
6 10-minute break and see if we can explore any
7 alternatives that would hold both groups together. I
8 think we're getting ready to pass measures that would
9 not achieve a target. If the target's in question,
10 let's talk during the break and see if there's anything
11 we can do, make a final effort to pull both groups --

12 PAT AUGUSTINE: Mr. Chairman, before we
13 break, a point of information. Point of information.

14 COUNCIL COMMITTEE CHAIRMAN JACK

15 TRAVELSTEAD: Go ahead, Pat.

16 PAT AUGUSTINE: I was on a prevailing
17 side of the vote to go with the quota that we did at our
18 last meeting, and having been a member of the voting or
19 prevailing side, is it possible to bring that motion
20 back to the table? I know. Just trying something.

21 COUNCIL CHAIRMAN RICHARD ROBINS:

22 Let's take a break first and evaluate that.

23 PAT AUGUSTINE: Okay.

24 (Break: 12:15 p.m. to 12:30 p.m.)

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: We did some sidebar discussions that
3 perhaps might lead us in a direction forward. Pres, did
4 you have a --

5 PRESTON PATE: Thank you,
6 Mr. Chairman, for recognizing me. And I start my
7 comments with thanking the council chair for suggesting
8 the opportunity to take a break and see if we could
9 achieve some reasonable compromise that would resolve
10 some of the issues and concerns that were addressed here
11 this morning because there certainly were some
12 legitimate points made by the members sitting around
13 this Board and from the folks that spoke from the
14 audience.

15 And we did discuss an alternative that
16 I personally think has merit and want to advance as a
17 consideration. It involves some retrospective look at
18 the way that we achieved the TAL at the last meeting.

19 And it's always good to have hindsight,
20 and you never fail to wish you had had the same vision
21 when you made the original decision. But that's the way
22 the system works, and in this case, I think we're
23 afforded the opportunity to go back and make some of
24 those retrospective considerations. But procedurally

1 it's not going to be easy because what I'm suggesting
2 is that we do revisit the TAL that was established at
3 the last meeting, which will require a motion to
4 reconsider that, which has to be subsequently passed by
5 a two-thirds majority of the voting members.

6 And if that motion passes, then we can
7 enter back into a discussion of at what level we would
8 want to set the TAL based on what we've discussed this
9 morning. And I have a motion to address that point
10 also, Mr. Chairman, and I'll bring that up after that
11 first one is decided upon. So, on behalf of the
12 Council, I move to reconsider the 2011 scup TAL.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: Is there a second to that motion? Second
15 by Pat Augustine. Is there a like motion for the ASMFC?

16 PAT AUGUSTINE: For the Board, Mr.
17 Chairman.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: Augustine and Munden. Now,
20 technically, this is a substitute motion because we have
21 a motion on the table already. So your motion is to
22 reconsider the TAL. So let's take some discussion on
23 that. Then we'll vote whether to substitute your
24 motion for the prior motion and then see where that takes

1 us. Vince.

2 VINCE O'SHEA: Quite frankly, I want to
3 make sure we sort of get this right. And I'm perhaps
4 looking a bit at Joel. If this was just a Commission
5 board meeting, my observation would be that this is an
6 action to amend or rescind a previous final action by
7 the Commission, and we have specific rules and
8 requirements for doing that.

9 And it's in the context of amending or
10 rescinding a final action, not in the context of a
11 reconsideration. So that's sort of a point that I'd
12 want to make here. My understanding is a
13 reconsideration is within the context of revisiting an
14 issue within the existing meeting. And this action was
15 taken in another meeting which has adjourned, and it's
16 now history.

17 JOEL MACDONALD: If I may,
18 Mr. Chairman, comment on that. The name of the motion
19 used in Robert's Rules is a motion to amend something
20 previously adopted. And as Pres points out, since
21 there was no notice given to the Council members and the
22 Commission members, the vote has to be by two-thirds
23 majority. Had notice been given, it's a simple
24 majority. But that's the status of that.

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: Vince.

3 VINCE O'SHEA: Yes. Except that the
4 Commission has amended our regulations to specifically
5 address that, and the notice issue isn't a part. If
6 it's a final action and it's going to be amended or
7 rescinded, then the Commission has that two-thirds
8 requirement, so whether there's notice given or not.
9 And the Commission rules in addition say that it's
10 two-thirds of the members of the Board is the standard
11 for passing that action. Thank you.

12 COUNCIL COMMITTEE CHAIRMAN JACK

13 TRAVELSTEAD: So am I hearing it takes two-thirds vote
14 of both the Board and the Committee to pass this?

15 VINCE O'SHEA: I'm saying that on the
16 Commission side it would take two-thirds. And we've
17 had this before come up, Mr. Chairman. On the
18 Commission side it would.

19 COMMITTEE CHAIRMAN JACK TRAVELSTEAD:

20 And, Joel, on the Council side does it?

21 JOEL MACDONALD: Two-thirds.

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: So we understand what we're dealing with
24 in terms of a vote. Are there any comments on the --

1 now, is this still a substitute motion? Everybody in
2 agreement with that? Steve.

3 STEVEN HEINS: I believe it might be
4 more appropriate to table the first motion and then
5 bring this motion up, Mr. Chairman.

6 COUNCIL COMMITTEE CHAIRMAN JACK
7 TRAVELSTEAD: Well, I mean it can be dealt with either
8 way I guess. If you vote to substitute Pres's motion,
9 then we'll vote on it. And if it passes, it becomes the
10 main motion. You vote on it again, and we move forward.
11 David.

12 DAVID SIMPSON: Are we set on the
13 parliamentary procedure, and I can ask a question about
14 this?

15 COUNCIL COMMITTEE CHAIRMAN JACK
16 TRAVELSTEAD: Yeah. Go ahead.

17 DAVID SIMPSON: This is to reconsider
18 the 2011 scup TAL. I wonder what the interplay is with
19 the TAC in this and if there's an opportunity for the
20 Service to address the discard problem in the federal
21 waters fishery? In setting the final specs, certainly
22 there's the latitude in setting final specs to address
23 mesh size and some other issues.

24 PATRICIA KURKUL: This would just be a

1 change to the specifications, so it doesn't change any
2 of the other measures, just the way the allocation is
3 set, and then everything else is dictated by the split,
4 and the way the discards are calculated are dictated by
5 the plan.

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: Pres.

8 PRESTON PATE: Mr. Chairman, it will be
9 my intent with the motion to follow the one that we will
10 be voting on, I hope, in just a minute to address the
11 recreational measures and all of the concerns that have
12 been mentioned here this morning and not get tangled up
13 into some of the other important, but more complicated,
14 issues, such as discards at sea in the commercial
15 fishery and the allocation between the two sectors, in
16 trying to reach a reasonable solution to the problems
17 that have been faced -- put before us today within the
18 capabilities of the time and energies that we have
19 today.

20 COUNCIL COMMITTEE CHAIRMAN JACK

21 TRAVELSTEAD: One question for Joel and Vince again.
22 The motion to substitute this motion for the main motion
23 will require a simple majority, correct, and then if
24 that passes, that's when the two-thirds would come in?

1 Joel.

2 JOEL MACDONALD: Yes. Let me see if
3 I'm clear on your question. The motion to amend
4 something previously adopted requires a two-thirds.
5 So, if this is the motion you're talking about, if this
6 is just a motion to substitute or to table, then it would
7 be a majority.

8 COUNCIL COMMITTEE CHAIRMAN JACK
9 TRAVELSTEAD: So this is a motion to substitute. It
10 will be a simple majority.

11 JOEL MACDONALD: Can I just so I'm clear
12 on this: When you say motion to substitute, will the
13 body of the motion be that we change the specifications;
14 and if that's the case, then you need two-thirds. It's
15 not a procedural.

16 If, for example, let's say the form of
17 the motion is I move to substitute -- you know, the main
18 motion, and then you get approval of that, and then you
19 move on, well, this is the motion that you're going to
20 substitute, then you'd need two-thirds.

21 But my understanding usually is that
22 when the Council or the Commission moves to substitute,
23 the body of the motion speaks to what the substituted
24 motion will be, what the substitute motion will be. And

1 if that's the case, you need a two-thirds majority.
2 Vince, do you see it differently?

3 VINCE O'SHEA: Well, the motion that
4 you have now says to reconsider, so I guess the question
5 is: Could reconsidering mean that you wouldn't change
6 it; you'd consider it and maybe vote to have the status
7 quo? That's a little bit different than saying motion
8 to change. Because that's your argument: you're
9 saying this would obligate the Board to change it and
10 that would require the two-thirds. This simply says to
11 look at it without deciding whether or not you're going
12 to change it. I don't know if that's helpful.

13 JOEL MACDONALD: I don't want to
14 belabor this point, but if it's just a procedural thing
15 without speaking to what the change will be, then it's
16 a majority. But once you get into the change, I mean
17 once you say, okay, we're going to change things, then
18 that's going to require a
19 two-thirds.

20 COUNCIL COMMITTEE CHAIRMAN JACK
21 TRAVELSTEAD: I think that sounds reasonable to me
22 because there is no specific TAL mentioned in this
23 motion. All you're voting on is whether you want to
24 consider that or the motion that was originally offered

1 by Dave Simpson. And that's a simple majority. Rick.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Yeah. I was just going to say: This reconsideration
4 while it's a bit out of our normal process, does create
5 an opportunity for us between both parties to try to
6 reach some common agreement, as opposed to the
7 alternative, which would be to close the EEZ and have
8 the Commission go set measures that may not match a
9 target. So I think it's intended to provide that
10 opportunity.

11 COUNCIL COMMITTEE CHAIRMAN JACK

12 TRAVELSTEAD: So are there further comments on Pres's
13 motion? All right. Lee.

14 LEE ANDERSON: [Inaudible.]

15 COUNCIL COMMITTEE CHAIRMAN JACK

16 TRAVELSTEAD: Okay. Rick, I think we're ready to vote.

17 COUNCIL CHAIRMAN RICHARD ROBINS: Is
18 the Council ready for the question?

19 (Motion as voted.)

20 {Substitute motion to reconsider 2011 Scup TAL.}

21 COUNCIL CHAIR RICK ROBINS: All those
22 in favor please raise your hand.

23 (Response.)

24 COUNCIL CHAIR RICK ROBINS: Eighteen.

1 Opposed like sign.

2 (No response.)

3 COUNCIL CHAIR RICK ROBINS:

4 Abstentions like sign.

5 (Response.)

6 COUNCIL CHAIR RICK ROBINS: One

7 abstention. The motion carries. Thank you. A.C.

8 A.C. CARPENTER: This is for the Board.

9 Is there a need to caucus? One vote per stay. All in
10 favor of the motion to reconsider please raise your
11 hands.

12 (Response.)

13 A.C. CARPENTER: I have nine in favor.

14 All opposed?

15 (No response.)

16 A.C. CARPENTER: Any abstentions?

17 (Response.)

18 A.C. CARPENTER: Is that an abstention?

19 One abstention. Any null votes?

20 (No response.)

21 A.C. CARPENTER: The motion carries 9

22 to 1 with 1 abstention.

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: The main motion now is to move to

1 reconsider the TAL, 2011 TAL. So we'll need to vote
2 again.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 Thank you. Is the Council ready for the question? All
5 those in favor please raise your hand.

6 (Response.)

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 Eighteen. Opposed like sign.

9 (No response.)

10 COUNCIL CHAIRMAN RICHARD ROBINS:
11 Abstentions like sign.

12 (Response.)

13 COUNCIL CHAIRMAN RICHARD ROBINS: One
14 abstention. The motion carries. Thank you. A.C.

15 A.C. CARPENTER: For the Board. All in
16 favor please raise your hand.

17 (Response.)

18 A.C. CARPENTER: All opposed same sign.

19 (No response.)

20 A.C. CARPENTER: Any abstentions?

21 (Response.)

22 A.C. CARPENTER: One abstention. The
23 motion carries 9 with no opposition and one abstention.

24 COUNCIL COMMITTEE CHAIRMAN RICHARD

1 ROBINS: Pres.

2 PRESTON PATE: Thank you, Mr. Chairman.
3 I'd like to move on behalf of the Council a motion to
4 increase the 2011 TAL to a level associated with a 5.74
5 million pound recreational harvest limit and maintain
6 status quo recreational measures in federal and state
7 waters for 2012 -- excuse me -- 2011.

8 COUNCIL COMMITTEE CHAIRMAN JACK

9 TRAVELSTEAD: Seconded by Lee Anderson. For the
10 Council? Pat Augustine.

11 PAT AUGUSTINE: Same motion for the
12 Board, Mr. Chairman.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: Augustine for the Board. Is there a
15 second? Red Munden seconds for the Board. Comments on
16 the motion? David.

17 DAVID SIMPSON: Yeah. This will seem
18 like minutia -- you know, at this level, but at the state
19 level it's a burning issue because most of the public
20 only sees what's in front of them, and that is the access
21 that the party and charter vessels have that other
22 anglers don't. They don't know what happens in federal
23 waters on commercial vessels. I can tell you I've had
24 meetings that's drew enough interest. Scup management

1 has drawn enough interest that I've met with multiple
2 state representatives, congressional representatives,
3 and they think the entire problem is the inequity
4 between party and charter boats and the private angler.
5 So I know this will continue to provide -- you know,
6 cause problems at home.

7 I do appreciate the efforts of everyone
8 involved during the break to find something, a way out
9 of this, but that and the additional problem of just not
10 having access for shore-based fishermen and we're
11 requiring them to get licenses is a major issue in our
12 state that has the legislature's attention.

13 And you know, 10 1/2 inch scup are hard
14 to come by in most places. Scup is a unique species
15 because it does go right into our harbors. Many others
16 don't. You can sit on the city pier and catch 9 inch
17 scup, but the precious few 11 and 12 inch ones, if you
18 can at will if you have a 20-foot boat. So I'll just
19 add that little bit in there. Again, I do appreciate
20 the efforts of everyone involved to try to find some more
21 workable solution than a 20 percent cut or whatever it
22 was for New England and New York and an 81 percent cut
23 for New Jersey. So, thanks.

24

COUNCIL COMMITTEE CHAIRMAN JACK

1 TRAVELSTEAD: Other comments on the motion? Steve.

2 STEVEN HEINS: I'm just wondering if
3 the TAL associated with the 5.74 million pound
4 recreational harvest limit is still below MSY. Do we
5 know that?

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: Jessica.

8 JESSICA COAKLEY: Yes. I looked at the
9 landings components of the MSY, and it's 6.8 million
10 pounds, if you took the MSY the landings part and parsed
11 it out to a recreational harvest limit.

12 COUNCIL COMMITTEE CHAIRMAN JACK

13 TRAVELSTEAD: Other comments? Seeing none, I guess
14 we're ready to vote.

15 COUNCIL CHAIRMAN RICHARD ROBINS:

16 Thank you, Mr. Chairman. Is the Council ready for the
17 question?

18 (Motion as voted.)

19 {Move to increase 2011 TAL to a level associated
20 with a 5.74 million pound recreational harvest
21 limit, and maintain status quo recreational
22 management measures in federal and state waters.}

23 COUNCIL CHAIR RICK ROBINS: All those
24 in favor please raise your hand.

1 (Response.)

2 COUNCIL CHAIR RICK ROBINS: Seventeen.

3 Opposed like sign.

4 (No response.)

5 COUNCIL CHAIR RICK ROBINS:

6 Abstentions like sign.

7 (Response.)

8 COUNCIL CHAIR RICK ROBINS: One
9 abstention. The motion carries. Thank you. A.C.

10 A.C. CARPENTER: For the Board, is
11 there a need to caucus? Seeing none, it's one vote for
12 a stay. All in favor please raise your hand.

13 (Response.)

14

15

16 A.C. CARPENTER: Abstentions?

17 (Response.)

18 A.C. CARPENTER: Null votes?

19 (No response.)

20 A.C. CARPENTER: Any opposing votes?

21 Any no votes?

22 (No response.)

23 A.C. CARPENTER: No. So the motion

24 carries 9 to 0 to 1, 0.

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: And we'll note for the record that that
3 was a two-thirds majority on the part of both bodies,
4 so it satisfies that requirement. Deep sigh of relief.
5 Anything further on scup? Where are we on time here?
6 Is it lunch time?

7 UNIDENTIFIED VOICE: You missed lunch.

8 COUNCIL COMMITTEE CHAIRMAN JACK

9 TRAVELSTEAD: I missed lunch. I guess we'll take what:
10 a one hour? What were you doing: one hour?

11 UNIDENTIFIED VOICE: Yeah. Let's come
12 back at two.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: Back at two o'clock. We're adjourned
15 until two o'clock.

16 (Lunch: 12:50 p.m. to 2:05 p.m.)

17

18

19

20

21

22

C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the above entitled matter to the best of my knowledge, skill and ability.

In witness whereof, I have set my hand and Notary Seal this 20th, day of January, 2011.

PAUL T. WALLACE. Notary Public
My Commission Expires

October 8, 2015

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MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
800 North State Street, Suite 201
Dover, Delaware 19901-3910

COUNCIL MEETING

15-16 DECEMBER 2010

at

Hilton Virginia Beach Oceanfront Hotel
3001 Atlantic Avenue
Virginia Beach, VA 23451

(Afternoon session.)

WEDNESDAY, DECEMBER 15, 2010

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1 [2:05 p.m.]

2

3

2011 RECREATIONAL MANAGEMENT MEASURES

4

BLACK SEA BASS

5

COMMITTEE CHAIRMAN JACK TRAVELSTEAD:

6

Welcome back. We're back in session. We saved the

7

easiest to last. We'll take up black sea bass. And,

8

again, we'll hear from Jessica and then take your

9

questions. Jessica.

10

JESSICA COAKLEY: The information

11

we'll be talking about is behind Briefing Book Tab 5.

12

The same process as for the other two species. An

13

August Council and Board meeting to make

14

recommendations for TAC's TAL's and harvest limits.

15

November 18th the Monitoring Committee and industry

16

advisors reviewed that information, which brings us to

17

today's Council and Board meeting.

18

A little bit of historical perspective.

19

The white line is the harvest limit in millions of

20

pounds. The yellow line are the landings in millions

21

of pounds. And, as you can see, from the early 2000s

22

there were a few overages, but then for 2004, '05, '06,

23

'07 and '08, the landings came in under the recreational

24

harvest limit.

1 Last year in 2009, landings were over
2 the recreational harvest limit. Based on Wave 1
3 through 4 information, which is what was available to
4 the Monitoring Committee and the advisors when they made
5 their recommendations, the landings were projected to
6 be a little over three million pounds, which is higher
7 than the 2010 harvest limit and also higher than the
8 proposed harvest limit of 1.78 million pounds for 2011.

9 A closer look at catch and landings.
10 Catch was about seven million fish in 2010, which is down
11 from the 2009 catch of about nine million fish.
12 Landings, however, in numbers were higher. We suggest
13 there were more scup available in those size categories.
14 About two million fish were landed in 2010 up from about
15 1.6. Landings by weight for 2010, about 3.1 million
16 pounds was projected to be landed based on that Wave 1
17 through 4 information, up from the prior year of about
18 2.3 million pounds.

19 I just wanted to note that the 1 through
20 4 projections because of the fishery closure in 2009,
21 the 2006 to 2008 proportions by wave were used to do
22 those projections for 1 through 4 and also when we talk
23 about the Wave 1 through 5 data.

24 In 2010 about 73 percent of the fish that

1 were caught were projected to be released. Looking at
2 the Wave 1 through 4 information for 2010 by state, there
3 are landings increases between 2009 and 2010 for
4 Massachusetts, Rhode Island, Connecticut.

5 New York saw a decrease in landings in
6 numbers of fish, as did New Jersey. And the states
7 further south, North Carolina had a slight uptake in
8 landings. The Monitoring Committee did talk about this
9 information, and they talked about high availability of
10 sea bass in the northern states, northern areas,
11 particularly Mass. and Rhode Island that people are
12 seeing.

13 The other thing that they talked about
14 as well was in the States of Maryland and Virginia and
15 Delaware that the estimates through
16 Wave 4 appeared to be lower than would be expected, and
17 they think that those states' landings might be
18 underestimated when you look at what they saw in terms
19 of their fishing season relative to prior years.

20 In 2010 federal waters regulations
21 included a 12 1/2 inch minimum fish size, 25 fish
22 possession limit, and a season that opened on May 22nd
23 to October 11th and November 1st to
24 December 31st. There was a closure from October 12th

1 to October 31st.

2 The state measures for 2010 were
3 identical to those in federal waters, with the exception
4 of Massachusetts which chose to implement a more
5 restrictive possession limit. And they've done that 20
6 fish historically for many years.

7 So looking at that Wave 1 through 4
8 information, the 2010 recreational harvest limit is
9 1.83 million pounds. The 2010 projected landings are
10 3.12 million pounds. The new harvest limit for 2011 is
11 1.78 million pounds. Therefore, the required
12 reduction for 2011 would be 43 percent. Again, this is
13 based on that Wave 1 through 4 information.

14 The Council and Board have the
15 management tools of seasonal adjustments, possession
16 size limit adjustments, using reduction tables. And
17 just noting that the cumulative reductions of season and
18 possession size combinations are not additive. So
19 assumptions that went into the 2011 analyses. They
20 assume effort and availability will be the same in 2011
21 as it was in 2010. We recognize that's an assumption
22 that's violated each year and that angler behavior is
23 difficult to predict, and that's not something that can
24 be accounted for when addressing the development of

1 measures.

2 So the staff recommendations based on
3 that Wave 1 through 4 information was to use seasonal
4 and possession limit adjustments to achieve the
5 required reduction. There are three options that were
6 developed which in combination produce the 43 percent
7 reduction.

8 These were put forward as possible
9 combinations of measures, but it really depends on what
10 you'd like your fishery to look like in terms of where
11 those adjustments should be made.

12 For the first option which achieves a 44
13 percent reduction is a 12 1/2 inch minimum size, two fish
14 possession limit, and a season from June 1 to July 31
15 and November 1 to December 31. The second option
16 achieves a 43.5 percent reduction, a 12 1/2 inch fish
17 size, five fish possession limit and season from July
18 1 to September 18 and November 1 to December 31. And
19 the third option achieves a 48 percent reduction.
20 That's a 13 inch minimum fish size, one fish possession
21 limit and the same season that was implemented in 2010,
22 the May 22 to
23 October 11 and November 1 to December 31. That's higher
24 than the 43 percent because in order to maintain the same

1 season, it wasn't possible to achieve that reduction
2 with a 13 inch, two fish. So it wouldn't get you there,
3 so we had to take one step higher, 13 inch, one fish to
4 achieve the reduction.

5 So, based on the projected landings --
6 these are the Monitoring Committee recommendations --
7 the staff proposed measures are consistent with the
8 required reduction of 43 percent. The Monitoring
9 Committee noted that these measures would substantially
10 restrict the fishery and the Council and Board should
11 wait until Wave 5 is available before making
12 recommendations for measures because of the sensitivity
13 of the landings to Wave 5. Wave 5 is a very large wave
14 for black sea bass landings.

15 There was a minority report that was put
16 forward. This is one individual. This was appended to
17 the recommendations. They recommended status quo in
18 2011 on the basis that the fishery is rebuilt. The
19 precision of the harvest estimates are unusually poor.
20 The recreational harvest limit in 2010 and 2011 are near
21 identical; therefore, the measures for 2010 were
22 selected in good faith to achieve the 2010 harvest
23 limit, so it should be carried forward into 2011 and that
24 this would cause undo hardship on the fishery. The

1 advisory panel reviewed this information as well as the
2 Monitoring Committee recommendations. They stated
3 that they agreed with the minority opinion and the
4 recommendations for status quo measures in 2011.

5 They believe that the TAL is too low
6 given the observed stock abundance. In addition, they
7 felt that advisor input needs to be integrated earlier
8 in the quota setting process. They felt like their
9 input was being given after the fact -- at the end of
10 this -- the full process. They also recommended that
11 the Council and Board should initiate the process to
12 establish state-by-state conservation equivalency for
13 black sea bass.

14 So looking at the Wave 1 through 5
15 information, that 6th Wave was projected using the 2006
16 to 2008 average proportion to fill out Wave 6. By the
17 end of Wave 5, looking at the individual states year,
18 90 some-odd percent or a hundred percent of the
19 individual state landings had been taken at that point
20 so that it captures the bulk of the landings.

21 The 2010 recreational harvest limit was
22 1.83 million pounds. The projected landings are very
23 similar based on Wave 1 through 5 to what we saw for Waves
24 1 through 4. So it's 3.11 million pounds. Recall Wave

1 1 through 4 projected 3.12 million pounds. Very
2 similar. So relative to the 2011 recreational harvest
3 limit, there would be a 43 percent required reduction
4 for 2011. Staff yesterday crafted three additional
5 options that achieve the 43 percent reduction, just some
6 different combinations to provide you with a few things
7 to think about. The first option that was crafted
8 yesterday is a 13 inch minimum size, 10 fish possession
9 limit and a season from May 27 to September 3 and
10 November 1 to December 31. So that option we attempted
11 to look at a higher possession limit than what the
12 previous three options had presented.

13 The second option is a 13 inch minimum
14 size, one fish possession limit and an open season from
15 May 22 to December 31. So this is attempting to
16 maximize the seasonal component. And the third option,
17 13 inch, one fish, and a season from May 8th to October
18 11th and November 1st to December 31st. So it's similar
19 to the first option, except a smaller possession limit
20 and try to shift the season a little bit earlier in the
21 spring and later into the fall.

22 So those are three additional options.
23 And then there are the three options that were crafted
24 in the Monitoring Committee memo. So that's all I have

1 to present right now.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: Okay. Questions. Pres.

4 PRESTON PATE: Jessica, do those
5 options include Wave 5? I just want to make sure I
6 understood.

7 JESSICA COAKLEY: Yes. The
8 projection, the 43 percent reduction is still required
9 with the addition of the Wave 5 data, because they're
10 still projecting 3.11 million pounds. So the previous
11 options and these three options are all consistent with
12 that.

13 PRESTON PATE: So that satisfies the
14 recommendation from the Monitoring Committee to not
15 take any action until Wave 5's available?

16 JESSICA COAKLEY: Yes. That was the
17 recommendation. And Wave 5 is available now, so.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: David. David.

20 DAVID PIERCE: Jessica, in your first
21 option in the new list of three, did you purposefully
22 delete Labor Day, or was that just the way it happened?
23 September 5th, I believe, is Labor Day, and obviously
24 Labor Day it's the Labor Day weekend where the

1 recreational fishery, of course, would be under way
2 winding down in many cases. So was that purposeful, or
3 could it be September 5th, May 27th through September
4 5th?

5 COUNCIL COMMITTEE CHAIRMAN JACK

6 TRAVELSTEAD: The staff was thinking that September 3rd
7 was Labor Day.

8 DAVID PIERCE: I think it's the 5th.
9 The 5th is Labor Day. So if you could adjust that to
10 September 5th. Would that cause much of a change?

11 JESSICA COAKLEY: We would have to take
12 days off the front end then to do that.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: Peter.

15 PETER DEFUR: I don't know whether
16 that's a typo or they calculated assuming that they had
17 gotten. Because if they made the calculations assuming
18 that they had already picked up Labor Day, then --

19 COUNCIL COMMITTEE CHAIRMAN JACK

20 TRAVELSTEAD: They're checking.

21 PETER DEFUR: Okay.

22 TONI KERNS: No. We made the
23 calculations thinking September 3rd was Labor Day. So,
24 if it's not Labor Day, then we would have to adjust the

1 number of days in that total season to make it work.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: Other questions? Yes. Mike.

4 MICHAEL LUISI: Thank you, Mr.

5 Chairman, Jess. I realize that you guys just received
6 the Wave 5 data yesterday. As part of the analysis to
7 associate reductions with bag limits, there will be --
8 with the Wave 5 data, I'm assuming that there would be
9 intercept data along with that that could add to the
10 creel analysis that you did from Waves 1 through 4. And
11 I guess my question is: Was that information included
12 in the analysis of what reductions you get per fish as
13 you reduce from 25 to 10 to 2 to 1? Was the Wave 5
14 information the intercept data -- which I'm hearing Wave
15 5 is a large wave in this fishery, and there could be
16 a significant number of fish caught, more than six in
17 a bag that could play a factor in establishing and
18 getting to that 43 percent reduction.

19 So I guess the question is: Was it
20 included, and if it wasn't, would you assume that the
21 inclusion of Wave 5 could have something to do -- could
22 change the projected reductions with each fish reducing
23 it from 25 down to 1?

24 JESSICA COAKLEY: Now, the reduction

1 table that was used was based on Wave 1 through 4
2 information. We typically don't see big changes in the
3 tables when we rerun those using the Wave 5 information.

4 We do that every year for summer
5 flounder. We start out with a Table 1 through 4 to Table
6 1 through 5 'cause you would have to see a big shift in
7 angler success during that time period that would have
8 been different from what you had seen in previous waves,
9 or shifts in the one composition that are substantial
10 enough to affect those tables. I wouldn't expect it to
11 make a big difference, but that table wasn't rerun
12 yesterday for this. The seasonal component of it does
13 not change 'cause that's based on the 2006 to 2008 per
14 day values for each of the waves.

15 COUNCIL COMMITTEE CHAIRMAN JACK

16 TRAVELSTEAD: Other questions? Rick.

17 COUNCIL CHAIRMAN RICHARD ROBINS:

18 Thank you, Mr. Chairman. I just wanted to address one
19 of the concerns that was raised in the AP report. The
20 AP indicated that they wanted to have their input
21 earlier in the process. And I just wanted to address
22 that because we've already agreed to initiate the
23 development of a fishery performance report that would
24 be developed by our AP's.

1 And so we're proposing to engage the
2 AP's on an annual basis to get them to characterize all
3 the factors that influence catch in a given year,
4 describe all the factors that influence the fishery, and
5 use that as a part of the process on the front end as
6 we go into the annual specification cycle to give to the
7 SSC so that they'll have the benefit of that additional
8 on the water perspective as it relates to the
9 performance of the fishery in a given year. And we just
10 had a meeting up in Woods Hole last week. We're getting
11 additional support not only from the science center, but
12 also from the social scientists on our SSC. And so the
13 staff's going to lay out a road map for the development
14 of that project, and we hope to have that implemented
15 with the, for example, the squid, mackerel, butterfish
16 fishery in time for the next specification cycle.

17 So that's something where I think we
18 really have a lot of opportunity to better engage the
19 AP, and we've already got that in our sights, and we're
20 moving forward with that plan right now. So I just
21 wanted to address that concern that was raised in the
22 AP report. Thank you, Jack.

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: Thank you. Any other questions of the

1 staff? Yes. Chris.

2 CHRISTOPHER ZEMAN: In reading this
3 monitoring memo, I had one question. There was like
4 discussion about effort recruitment, and there was an
5 equation used like $X+Y-XY$ =effort recruitment. Can you
6 explain that?

7 JESSICA COAKLEY: No. That formula
8 isn't for effort recruitment. It's for the interaction
9 between adjustments to size, possession limits, and
10 seasons. So -- you know, if X is your season effect and
11 Y is your possession limit effect, then the minus X times
12 Y there's an interactive effect that's taken off,
13 because if you increase the minimum fish size and adjust
14 your season during the same time period, you don't get
15 double credit for it.

16 CHRISTOPHER ZEMAN: Okay.

17 COUNCIL COMMITTEE CHAIRMAN JACK
18 TRAVELSTEAD: Yes. Gene. Did you have another
19 question, Chris? Go ahead. Go ahead.

20 CHRISTOPHER ZEMAN: In Table 6 it seems
21 like directed black sea bass trips are at best catching
22 like one or two fish per trip. In terms of like my
23 understanding of a black sea bass trip, a directed black
24 sea bass trip, it seems that they would catch more than

1 that because if you're directly targeting black sea
2 bass, you'll go to that spot, and you'll catch 10 or
3 more. It's pretty common.

4 What they characterize here as directed
5 trips are one to two fish. I was trying to figure out
6 why that is. Because I think if we rely on this graph
7 right here, it sort of basically says that, based on this
8 is that there's really no conservation benefit until we
9 get down to like one or two, a reduction to one or two
10 fish per trip.

11 In my mind I know that like reduction
12 from like 25 to 15 that would be significant. At the
13 real directed black sea bass trips, we catch a lot more
14 than just one or two fish.

15 JESSICA COAKLEY: Well, this table is
16 an aggregate of all modes, so you would expect to see
17 differences if you parse this out into say party charter
18 mode where there are people that may be directing on sea
19 bass and typically catching more fish. This includes
20 private angler and shore base mode. These are also just
21 raw Type A, the raw lengths unweighted.

22 And when we do the possession size limit
23 tables, those distributions are expanded by effort, so
24 the effort that they're associated with. So it alters

1 those a little bit. But in general looking across the
2 entire fishery in all modes, the majority of anglers --
3 you know, 90 percent or fewer, are catching -- 90 percent
4 of anglers are catching six or fewer fish when you look
5 as an aggregate across all of those components. Okay?

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: Gene.

8 EUGENE KRAY: Thank you, Mr. Chairman.
9 Jessica, I realize that summer flounder is -- the states
10 go to conservation -- we vote to go to conservation
11 equivalency and their ending dates could be all over the
12 place. Has there ever been any thought to coordinating
13 the closure of one species, such as summer flounder, and
14 keeping open another species like sea bass? Because if
15 you take away those two fish at the same time, single
16 boat anglers or party boat anglers, charter, they're not
17 going to have anything to fish for. Croaker? Who
18 fishes for croaker? Who fishes for bluefish any more?
19 What I'm getting at is: Those are fish that people go
20 for; can we coordinate the closing of one and at least
21 have one open for a good part of the time?

22 JESSICA COAKLEY: Well, the
23 recommendations that the Monitoring Committee has had
24 to make have been on a species-by-species basis;

1 although, they've acknowledged that sea bass and scup
2 effort tends to be coupled because there's frequently
3 combination trips and the idea that you have a pool of
4 effort out there, and it's clear that when you set
5 regulations in one fishery, effort may shift around to
6 other -- to target other recreational species.

7 We don't have a lot of information to
8 characterize those changes in angler targeting right
9 now. There is a project, and it's actually a mail
10 survey -- one of our Monitoring Committee members
11 actually got a copy of it in the mail -- and it's going
12 out to anglers to look at trade-offs between
13 recreational choices for targeting different species,
14 and it looks at decisions with trips: would you take
15 a trip if it cost you that much and you could target these
16 species versus others? And when that survey comes back
17 hopefully in the next year, we'll have some information
18 to help inform some of those trade-offs that anglers are
19 making from Massachusetts to North Carolina. But
20 that's the only place I know that it's being looked at
21 analytically.

22 EUGENE KRAY: You mentioned scup, but
23 scup, as we all know, is -- where I fish in Cape May,
24 they're almost nonexistence, and further south there's

1 not very many scup being caught down there. So you're
2 not saving anything by saying go catch scup. There's
3 none around at least in those areas.

4 So you'll have to give that some thought
5 in the future as to if we possibly could somehow
6 coordinate it. If we have to ration it, at least give
7 somebody a chance to fish for something.

8 COUNCIL COMMITTEE CHAIRMAN JACK

9 TRAVELSTEAD: Peter. I'll get to you next, sir. I saw
10 your hand up. Go ahead, Peter.

11 PETER DEFUR: Thank you very much, Mr.
12 Chairman. A question for Jessica. And this goes back
13 to the dates, the opening and closing dates and the
14 September 3rd. If you make that September 5th, is the
15 calculation done on the number of days, or does it
16 account for specific days that have different fishing
17 efforts, which is different?

18 Because if you go to
19 September 3rd, then can you just start later
20 November 4th, which is a Friday?

21 JESSICA COAKLEY: Well, each wave, the
22 value of a day for each wave is different. The
23 September 3 we figured out what we did. We were looking
24 at the 2012 Labor Day is on September 3rd instead of the

1 2011. Actually, what I was looking at right now on my
2 laptop is trying to shift it to September 5th and then
3 take a couple days off the spring start date, the May
4 date, to try to achieve the same reduction. So we can
5 work that out if that's something that people are
6 interested in knowing what those dates would be.

7 PETER DEFUR: And the reason being is
8 that if you can start it to pick up both Memorial Day
9 and Labor Day and keep it a long season open, it would
10 be probably preferable and keep it with a 10 fish limit.

11 JESSICA COAKLEY: Okay.

12 PETER DEFUR: My thought would be that
13 it would be easier on the fishery to drop it off of
14 November. I may be mistaken.

15 JESSICA COAKLEY: Okay. All right.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Okay? Yes, sir.

18 MONTY HAWKINS: Monty Hawkins, Ocean
19 City, Maryland, Party Boat Skipper. My comment is very
20 quickly just to the quality of data. People in the
21 five-year period, five-year period, private boat,
22 private boat mode of the MRFSS estimate has 2,251 fish
23 landed in five years. The total catch for just 2008,
24 one year, the same wave, July and August, private boat,

1 353,419. In the five-year period, they had 2200
2 landings and not quite a half a million total catch.

3 Folks, this data is so bad. I mean
4 there is so much brain power around this room, and yet
5 following the course of the data leaves you no different
6 than Jack Nicholson's **One Flew Over the Cuckoo's Nest**.
7 You're all taking your pills. It's that bad. If you
8 believe this data, you're taking a pill, and you're
9 being led right back into the back room to the
10 sanitorium.

11 COUNCIL COMMITTEE CHAIRMAN JACK

12 TRAVELSTEAD: There was a hand up over here. Adam and
13 then Mike.

14 ADAM NOWALSKI: Thank you. One of the
15 other inconsistencies of MRFSS that jumped out that I
16 was just wondering if there had been any information
17 passed along with was the New York Wave 5 data.

18 They had been averaging for most of the
19 last decade a time period during which the season was
20 open all of Wave 5 during which the stock was overfished.
21 Overfishing was not occurring according to the current
22 stock assessment, had been averaging in the range well
23 under a hundred thousand fish during Wave 5 when it was
24 open all year -- all the entire wave. This year's Wave

1 5 shows 324,335 fish landed in New York in Wave 5 when
2 you only had the season open for 41 days instead of 60
3 days. I was wondering if there had been any information
4 passed along that would have flagged that data as
5 particularly problematic and of concern?

6 TONI KERNS: Since Wave 5 data just came
7 out yesterday, we can't comment on whether or not the
8 data -- if there's some anomaly in the data or not. The
9 state will have to go through and look at the wave data
10 and make those requests to National Marine Fishery
11 Service and the statistics program if they think that
12 there are inefficiencies in the information that's
13 provided through MRFSS.

14 ADAM NOWALSKI: To that end then, it
15 would seem that with the Monitoring Committee's
16 recommendation as we look at this Wave 5 data, I mean
17 that's just one of the pieces that jumps out at me here.
18 We've got the Monitoring Committee recommendation.
19 Perhaps this data needs to be vetted a little more before
20 we go ahead and just use it carte blanche.

21 COUNCIL COMMITTEE CHAIRMAN JACK

22 TRAVELSTEAD: Mike.

23 MICHAEL LUISI: Thank you. Jess or
24 Toni, is there any information similar to that of the

1 flounder fishery where there's a release rate? Do you
2 guys have any information about how many fish are
3 released, given the 12 1/2 inch minimum size limit, and
4 is that something that's been increasing as of late?

5 And on top of that while you're looking
6 at that if that's available -- I know that I read it
7 somewhere, whether it's in the memo that was given to
8 the Monitoring Committee or the summary report; I can't
9 seem to find it right now -- but could you go back and
10 just discuss with us the Monitoring Committee's concern
11 over how they discussed any minimum size increase as an
12 option for a reduction.

13 JESSICA COAKLEY: Sure. Page 5 in the
14 Monitoring Committee memo, it's Table 1 that gives the
15 proportion of fish released over time. So the effect
16 of the minimum size regulations since everyone's on a
17 common set of measures are imbedded, which changes in
18 those minimum sizes and possession limits.

19 So going back to the early '80s, it was
20 about 40 to 50 percent. And it peaked in 2008 at about
21 90 percent, and for 2010 we're looking at about 73
22 percent of the fish that were caught were released. I
23 will highlight, as we mentioned for scup, there is
24 noncompliance with the minimum fish size as well. And

1 if you look at Table 7, it's the percent by state that
2 are less than the minimum fish size in any given year,
3 and it ranges anywhere from
4 2 percent to about 30 percent by state of the fish that
5 were measured were less than the minimum fish size.
6 And this is probably an underestimate relative to total
7 noncompliance. And what's the second part of your
8 question? Just refresh my memory.

9 MICHAEL LUISI: Well, the first part
10 probably shouldn't have been asked. I just have too
11 many pages and too many tables and charts in front of
12 me. I should have seen that. The second part relates
13 to the use of minimum size increases as a factor for
14 reductions. I know that there's been discussion over
15 the continued increase in size, and if you could just
16 elaborate a little bit on that.

17 JESSICA COAKLEY: No. We did talk a
18 little bit about that. Well, that's a part of the
19 reason for the staff recommendation to use seasonal
20 adjustments and possession limit adjustments.

21 As the minimum fish size goes up, we've
22 seen that pattern of noncompliance that potentially
23 increases with that. And they had talked not this year
24 but in prior years about setting an upper limit on the

1 minimum fish size, that they thought it might be
2 appropriate to just set for a lot of these fisheries a
3 size limit that you won't go above and that if you have
4 to take any adjustments, you need to use the possession
5 limit and the seasonal adjustments.

6 They've also noted not just for this
7 species but for other species that they think that the
8 season is probably one of the more effective tools for
9 constraining effort 'cause if it's closed, you don't
10 fish for those species. So that's -- they've
11 highlighted that as well.

12 COUNCIL COMMITTEE CHAIRMAN JACK

13 TRAVELSTEAD: Frank.

14 FRANK BLOUNT: Yes. Thank you, Mr.
15 Chairman. I got a question maybe for Jessica. I'm not
16 sure. On Table No. 9, if I'm reading it correctly, if
17 you went to -- that's saying if all the other measures
18 were the same, so if you have the same season, and you
19 went to a one fish bag limit at
20 12 1/2, you'd have a 65 percent reduction? Is that how
21 it -- no? How is that?

22 JESSICA COAKLEY: No. No. The
23 reduction is calculated as the difference between the
24 values associated with the current regs. and then the

1 where, again, like New Jersey and New York were under
2 the -- I mean we had less black sea bass caught in those
3 states, and the weather was way better -- the weather
4 was perfect in 2010, and so we caught less compared to
5 2009 where we had to have an emergency closure and the
6 weather was not so great. Yeah. I, again, I would
7 think it would be the exact opposite. And at the same
8 time, in Massachusetts I see Wave 3 they have record
9 landings of black sea bass, and other states around them
10 have -- they have record highs for a 10-year period, and
11 the states around them have relatively nothing.

12 And, yeah, I can question it varies. So
13 is that an anomaly that's due to like low intercepts,
14 or a random intercept? I just don't know. Yeah. I
15 just can't explain this data or these MRFSS results.

16 TONI KERNS: I think there's two
17 things. Jessica and I can tag-team your answer here.
18 I think one of the things that we need to consider is
19 the availability of the fish. And the lower TAL that
20 means your commercial regulations are going to more
21 restrictive as well.

22 And with a bunch of the northern
23 fisheries usually you have your commercial fishery that
24 can come in and grab a bunch of these like sea bass, and

1 then once they close, the recreational fishery comes out
2 low.

3 For instance, in Massachusetts their
4 commercial fishery I think was open for six or eight days
5 this year; and so, therefore, there is a lot of this
6 black sea bass available left over for the recreational
7 fishery to catch. And so it's not surprising that their
8 estimates are going to be higher because they have a lot
9 more availability. Now, for the intercepts Jessica has
10 that information.

11 JESSICA COAKLEY: Well, I was just
12 going to note that when you look at the data for
13 Massachusetts and Rhode Island, one of the estimation
14 pieces that's really driving those landings upwards are
15 the success rate, the angler success.

16 So, instead of catching about five fish
17 per person, it went up to an average of about seven fish
18 per person so that the average angler success rate is
19 helping to drive those, which you would expect. If you
20 have more fish available in those size categories and
21 people are out fishing for them, they were more
22 successful.

23 And we had some advisors at our advisory
24 panel meeting from the northern states that also noted

1 that they saw that people were more successful this year
2 because there were a lot of large black sea bass that
3 were available for those northern states.

4 In terms of we talked about proportional
5 standard errors for some of our other species. If you
6 look at it by state, for Massachusetts, Rhode Island,
7 New York and New Jersey, which are the states with the
8 highest contribution to total landings, their
9 proportional standard errors are pretty good. They're
10 in the 20s and 30 percents broken by state. When you
11 go ahead and break that down on a regional basis for the
12 North Atlantic and Mid-Atlantic, you're looking at
13 about 13 percent. So those estimates for those states
14 are pretty tight in terms of proportional standard
15 error.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Frank.*

18 FRANK BLOUNT: Okay. Thank you. I
19 just did some quick calculations here. I want to see
20 if I'm correct. If you looked at the tables, Table 8
21 and on Table 9, if I'm reading it correctly, just as an
22 option, if you closed 30 days in Wave 3 and went to a
23 13 inch size limit with 25 fish, you'd have your required
24 reduction, if I did it correctly.

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: Well, it will take staff awhile to do
3 the calculations themselves to check. But tell us
4 again what you were looking at.

5 FRANK BLOUNT: I looked at --

6 COUNCIL COMMITTEE CHAIRMAN JACK TRAVELSTEAD: 13
7 and 25 fish.

8 FRANK BLOUNT: Right. Thirteen, 25
9 fish.

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Right.

12 FRANK BLOUNT: And close 30 days in Wave
13 3.

14 COUNCIL COMMITTEE CHAIRMAN JACK

15 TRAVELSTEAD: Close 30 days in Wave 3.

16 TONI KERNS: So Frank, what you're
17 saying: if we have the regulations that we had last
18 year, May 22 through October 11th and then reopen back
19 up on December 1st -- I mean November 1st, and we stay
20 open for the rest of the year. So we need to close 30
21 additional days in Wave 3. Okay. So we'll do the
22 calculation from there.

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: All right. Any other questions at this

1 point? Seeing none, we're to the motion phase of the
2 meeting. While you're thinking about a motion, we have
3 a hand up in the audience. We'll hear from that
4 gentleman, and then we'll --

5 VICTOR BONNY: My name is Victor Bonny.
6 I have a party boat in Ocean City, Maryland. And while
7 you all are thinking, there's a lot of guys here
8 represent the party charter sector and make their
9 livelihood fishing for sea bass. I know I do, and Monty
10 does in Maryland. That's what we have in the heart of
11 the season. We don't have a big scup fishery. We were
12 just joking earlier. I landed one this year. Last
13 year I think maybe I had a good year and landed 15.
14 Also, in the ocean we don't have in Maryland a real big
15 flounder fishery. I mean we do catch some, but not a
16 lot. It's just basically a bonus fish for us, so. So
17 in Maryland what we really have is sea bass.

18 And if you take a -- if we're looking at
19 these dramatic cuts for next year, I mean in Maryland
20 we're pretty much -- there is no sea bass season in
21 Maryland whatsoever. I prepared a little something
22 here just that I wanted to kind of get off my chest.
23 And I'm sure a lot of other guys feel the same way that
24 are in the industry.

1 The proposed 2011 black sea bass
2 regulations to me are completely unacceptable and
3 detrimental to the party sector, not only in Maryland
4 but all the other states that participate in the
5 fishery.

6 And I'm sure a lot of guys here are
7 asking: How can we be nearly shut out of a fishery that
8 is according to the Mid-Atlantic Marine Fisheries
9 website not overfished, with no overfishing occurring
10 and completely rebuilt to 105 percent?

11 And I know I'm asking myself; I'm sure
12 these guys are asking themselves, too: What incentive
13 is there to fishermen to rebuild any of our fisheries?
14 If you ask me, there's no incentive at all. Fishermen
15 are troubled every year. Bite the bullet now, and it's
16 going to pay off in the future. Well, the bullet was
17 bit, and we've gone from harvest limit in 1998 of 3.15
18 million pounds to 1.78 million pounds for 2011. So
19 that's our big payoff for biting the bullet.

20 A reasonable harvest limit needs to be
21 set in accordance with a fishery that is declared more
22 than rebuilt. Because the black sea bass season did not
23 open until May 21st and was closed for three weeks in
24 October, fishermen not only in Maryland, but in all

1 mid-Atlantic states missed out on a time when we have
2 some of the best fishing.

3 And for an industry, that meant a lot of
4 lost income and increased pressure on other species,
5 namely tautog; meanwhile it appears that the states in
6 the Northeast were almost completely unaffected by the
7 federal closure.

8 The northern states are lucky enough to
9 have fish come into state waters and are able to
10 participate in the sea bass fishery when it's closed in
11 federal waters. The black sea bass fishery in the
12 Mid-Atlantic states is entirely in Federal waters. It
13 has become clear to me and many others that if harvest
14 limits are going to be set at unreasonably low numbers,
15 then there needs to be separate management regions for
16 black sea bass. If the reductions in season had no
17 measurable effect in 2010, why would we expect seasonal
18 reductions to have an effect in 2011? The bottom line
19 is that in Maryland anything less than status quo for
20 2011 is completely unacceptable.

21 Any regulation that shortens the
22 season, increases size limits or decreases creel limits
23 unreasonably will result in the Maryland party charter
24 sector industry to apply for federal disaster relief

1 funds. That's all I got to say.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: Thank you. Mike.

4 MICHAEL LUISI: Thank you. I feel that
5 this is probably as good a time as any to address the
6 memo that was handed out to you guys earlier today.

7 My staff and I after looking at the
8 document that was prepared by the Council and the
9 Monitoring Committee recommendations and some of the
10 issues that were brought up at that meeting addressing
11 some of the data concerns and just overall management
12 issues relating to the regions in which we fish, whether
13 they be state water fisheries in New England in the North
14 and federal water fisheries in the South, we have come
15 to the conclusion that this plan needs to be reviewed;
16 it needs to be looked at. We need to take a hard, strong
17 approach at how we're going to be managing sea bass into
18 the future. And after listening to Victor and hearing
19 from Monty, some of the issues that are addressed in this
20 memo have been answered.

21 We do have Wave 5 data available. How
22 reliable it is that's a question that we'll be asking
23 ourselves forever until something new is there for us
24 to use. But at this time, I really think that we need

1 to -- we as a council and as members of the Commission
2 need to really look at how we're managing this fishery
3 on a coastwide basis, given the site fidelity of this
4 species and just the different ways that the regions
5 operate under this. So, Mr. Chairman, if it would be
6 okay, I have a motion from the table.

7 I move to recommend status quo for the
8 2011 recreational black sea bass fishery in the waters
9 of the EEZ and to direct ASMFC staff to initiate an
10 addendum to the summer flounder, black sea bass, and
11 scup fishery management plan that will address the
12 regional imbalance in the recreational black sea bass
13 fishery and will provide regional and/or state specific
14 allocation scenarios that include season, size limits,
15 and possession limits by area for 2011.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Do you have that in writing, Mike?

18 MICHAEL LUISI: I do.

19 COUNCIL COMMITTEE CHAIRMAN JACK

20 TRAVELSTEAD: Have you given that to Jan?

21 MICHAEL LUISI: No.

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: Can you walk that down and give that to
24 her so she can get it up? Is there a second to the

1 motion? Seconded by Pat Augustine.

2 PAT AUGUSTINE: Same motion.

3 COUNCIL COMMITTEE CHAIRMAN JACK

4 TRAVELSTEAD: Same motion for the Board.

5 MIKE LUISI: And then I'd like to
6 comment on the motion.

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: Mike is making the motion for both the
9 Board and the Committee. So Pat is seconding for the
10 Board and Committee.

11 PAT AUGUSTINE: I'd like to speak to it.
12 Do we have a problem having status quo that applies to
13 both the Council and the Commission become a problem?
14 Because the second part of the motion is to develop an
15 addendum. And I'm not sure. By Robert's Rules of
16 Order, we might be better to divide the question and
17 address the status quo issue because I think there's
18 more elements that need to be added to the
19 recommendation that Mike made to create an addendum.
20 I'd like to put something in there about the summer
21 flounder and what we're doing there with regions and
22 that sort of thing. So, if I could, I'd divide the
23 question to take the first part, status quo, and then
24 Part 2 would be the part relative to developing an

1 addendum. If I get a second for that. I'm not sure
2 it's out of order, but it shouldn't be.

3 COUNCIL COMMITTEE CHAIRMAN JACK

4 TRAVELSTEAD: Rick.

5 COUNCIL CHAIRMAN RICHARD ROBINS:

6 Well, to this point, I think the idea behind this, as
7 I understand it, would be to move forward with status
8 quo in federal waters, but then have an action through
9 an ASMFC addendum that's fast tracked immediately to
10 achieve the necessary accommodation of reductions on
11 the ASMFC side so that the target is achieved.

12 But that would provide by doing an ASMFC
13 side of the plan through an addendum, you could address
14 the differential performance of the fishery. Whereas
15 right now in the federal plan, we're basically not in
16 a position to do that. But this by working together,
17 I think would allow us the opportunity to do that.

18 On a longer term note, though, I think
19 it would be probably appropriate for the Council to
20 consider initiating an amendment that would address
21 this issue so that in the overarching framework we have
22 the ability to deal with the differential performance
23 in the fishery and/or consider the stock structure that
24 appears to be emerging.

1 I mean if you look back at the 2009
2 tagging study that was done, the fish that are in
3 Massachusetts-Rhode Island area have a different
4 movement pattern that appear to be discrete from those
5 at least demographically down here in the
6 Mid-Atlantic.

7 And so I think we do need to develop the
8 mechanism that we need to develop the ability to deal
9 with those differences in the fishery. But in the
10 interim, in 2011 for the 2011 fishing year, we still have
11 to come up with a set of measures that would constrain
12 the harvest to the recreational harvest limit between
13 both bodies.

14 We don't have the flexibility that we
15 had on the last issue because in this case we're right
16 up against the ABC. So one way to do it would be to have
17 status quo in federal waters, and as Mike has suggested,
18 move into an addendum at the ASMFC on a rapid basis,
19 expedited basis.

20 COUNCIL COMMITTEE CHAIRMAN JACK
21 TRAVELSTEAD: Mike, I want to clarify your motion.
22 You're really speaking to a fast track addendum that
23 would come out of ASMFC that would put some type of
24 regional or state-by-state rules in place in time for

1 the 2011 season?

2 MIKE LUISI: As I understand it right
3 now, the fishery wouldn't open until -- if status quo
4 were the direction we take, the fishery wouldn't open
5 until May 22nd anyway. And that was another note.
6 This was to get discussion started on the idea. But I
7 would also ask Vince if that's even a possibility to get
8 done in time. Is a fast track option available?

9 COUNCIL COMMITTEE CHAIRMAN JACK

10 TRAVELSTEAD: Yeah. I've got to call on Vince myself.
11 Vince, can you comment on that time schedule?

12 VINCE O'SHEA: Well, I think we could
13 have an addendum ready for final action by the Board at
14 the 24 March scheduled Commission meeting. So the
15 question back again is: Would the states -- would that
16 be sufficient time for the states to get regulations in
17 place?

18 I would add that it would seem to me that
19 that addendum would be going to be more conservative
20 than the existing regulations, so that there wouldn't
21 be an impediment to the states
22 moving -- some of the states -- moving forward if they
23 needed to move early. They'd have a pretty good idea
24 of what they wanted to do. But I think we could give

1 you a final addendum -- I mean a final action on an
2 addendum on the 24th of -- the week of the 24th of March
3 when you're scheduled to meet,
4 Mr. Chairman.

5 COUNCIL COMMITTEE CHAIRMAN JACK

6 TRAVELSTEAD: Okay. Great. Pat.

7 PATRICIA KURKUL: Thanks. I think
8 we're in the similar situation here that we had with
9 scup, that this isn't going to meet the Council's
10 requirements because the Council still needs to put
11 forward a recommendation that's consistent with the
12 reduction that's necessary.

13 So, if the intention is that you would
14 ultimately like status quo in federal waters, then --
15 and by the way, it's not just federal waters; it's any
16 federal permit holders; so it's federal waters and
17 anybody who's holding a federal permit, even if they're
18 fishing in state waters, just to be clear.

19 So then the Commission's addendum would
20 have to have reduction sufficient to address the
21 activity both in state and federal waters to achieve the
22 necessary reduction, and then maybe what we could do is
23 have something contingent upon the states taking action
24 to do that. But the Council needs to put forward an

1 alternative that's consistent with the reduction needed
2 now because we can't base our action -- we can't base
3 the federal requirements on an intention to do something
4 in the future. So I think we need to work with the
5 motion a little bit here.

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: So, Pat, I just want to make sure I
8 understand what you said. It sounded like you were
9 saying we should offer up a motion that contains a series
10 of measures that would meet the required reductions, but
11 that would go away if ASMFC took the action that's
12 contemplated in this motion that ultimately would
13 achieve the required reductions through state measures.

14 PATRICIA KURKUL: Right. That there
15 has to be a motion put forward by the Council that's
16 consistent with the necessary reduction. And I turn to
17 Joel to make sure I'm not on thin ice myself here.

18 But then we could also have in that
19 something that says when the Commission takes action
20 that will provide the necessary mortality reductions,
21 that either this won't go into effect,
22 or it will be rescinded and we fall back on the measures
23 that were in place.

24 COUNCIL COMMITTEE CHAIRMAN JACK

1 TRAVELSTEAD: Thank you. I hope that's clear to
2 everybody. Rick.

3 COUNCIL CHAIRMAN RICHARD ROBINS: So it
4 sounds like in terms of perfecting this for purposes of
5 the Council, that we would need to add that provisional
6 element, turn this into the provisional part and select
7 one of the options.

8 COUNCIL COMMITTEE CHAIRMAN JACK
9 TRAVELSTEAD: David.

10 DAVID SIMPSON: I apologize. I've
11 been distracted with some personal issues. But what
12 rationale was put forward to put the entire burden of
13 conservation on state waters fisheries on this species?
14 I mean we did this I'll say inadvertently with scup.
15 But we're consciously going to put the entire burden of
16 conservation on state waters fisheries by maintaining
17 status quo in the EEZ, and then the Board will get
18 together and figure out how to deal with this purported
19 imbalance in regional black sea bass fisheries? I need
20 to be caught up a little bit.

21 COUNCIL COMMITTEE CHAIRMAN JACK
22 TRAVELSTEAD: Mike, do you want to help out there?

23 MICHAEL LUISI: Yeah. I can address
24 that issue. In viewing this fishery, we see the fishery

1 operating as it's pretty well known mostly in state
2 waters and in federal waters in the northern New England
3 region. The southern region below about central New
4 Jersey, there just isn't the habitat to hold those fish
5 in state waters, and it is a federal waters -- federal
6 permit holder fishery in that case. So the rationale
7 -- the intention of this motion was to address the
8 regional component of the black sea bass recreational
9 fishery and not to put all the burden on any one
10 individual state but to begin moving forward with the
11 understanding that the regions function so differently
12 from one another and the fish are so site faithful that
13 just moving in the direction to this regional approach.
14 That was the intention of the motion.

15 COUNCIL COMMITTEE CHAIRMAN JACK
16 TRAVELSTEAD: David.

17 DAVID SIMPSON: Okay. So I think I got
18 that. That the Mid-Atlantic states don't have much of
19 a resource in state waters. It's almost all in federal
20 waters. So you want to be left alone and then have the
21 states that have fisheries in state waters carry the
22 conservation burden entirely. Is that right?

23 And I'm curious if this comes down
24 to a ASMFC, ACFCMA compliance finding whether the

1 fishery service is going to be prepared to find a state,
2 an individual state, out of compliance with such a
3 conservation measure that says effectively
4 Massachusetts and Rhode Island you carry all the water
5 for the coast, and the rest of us will be left alone.

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: While they're contemplating that,
8 Jessica has the results of Frank's reduction. So if you
9 could report on that, and then we'll come back to the
10 motion at hand.

11 JESSICA COAKLEY: Sure. What Frank
12 had presented, the 13 inch, 25 fish, June 21 to October
13 11th and November 1 to December 31 does achieve the
14 required reduction, and that's because the May/June by
15 taking those days off of that wave. That's the dominant
16 wave in terms of per day value, so you get your biggest
17 -- the efforts the highest during that time period in
18 terms of landings.

19 I also looked at David
20 Pierce's -- it was one of the Daves -- the 13 inch, 10
21 fish, May 30 to September 5th and November 1 to December
22 31. May 30 is Memorial Day, and then it carries it
23 through the September 5 Labor Day, and that gets the
24 required reduction as well.

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: Frank.

3 FRANK BLOUNT: Thank you for that.

4 Jessica, when you did that, did you multiply I would say
5 the .70 times 30 to come up with the 21 percent on Table
6 B -- Table 8; Table 8, the lower Table B?

7 JESSICA COAKLEY: Yeah. It is that per
8 day value, the .7033, times -- it's not actually just
9 30 because you're closing -- yeah, it is 30.

10 FRANK BLOUNT: Okay. Because if I'm
11 doing this correctly, because in 2008 -- 2006 and 2008
12 the entire wave was open. So, if it was closed for 22
13 days this year, the .07 is closer to one. You would
14 divide the top number, the 42, instead of dividing it
15 by 60 to come up with 70, would divide the 42 by the days
16 that were open, which is approximately 40. So you have
17 almost a 1 percent per day savings. Instead of a
18 30-days closure, it's probably only a 20-day closure.

19 JESSICA COAKLEY: For 2006 to 2008, it
20 was open all year for all three of those years. So
21 that's how the per-day values are calculated. You
22 don't get additional value because you were closed May
23 to May 21.

24 So what we have to do then is start with

1 your 2010 season, which was the May 22 to October 11 and
2 October 30 to December 31. We assume that that's our
3 starting point, and then any days that you take away from
4 that you multiply those by that .7 to give you --

5 FRANK BLOUNT: Right. But in 2010, 100
6 percent of your fish in that wave were only caught in
7 40 days, not in 60 days. So the value of .7 has to be
8 too low. It would have to be higher because you're
9 using a calculation based on 60 days as opposed to using
10 it on 40 days. The season's already closed. I
11 understand that.

12 So 100 percent of the fish caught the
13 following year, or in 2010, were caught on the days that
14 were open. What you're saying there if you multiplied
15 the open days times the .7, that would only be 28 percent
16 of your fish that are caught in that wave as opposed to
17 42. Correct?

18 JESSICA COAKLEY: But the way that the
19 Technical Committee has chosen to address these per-day
20 values, we base those on open waves time periods when
21 the seasons were open completely. They aren't prorated
22 based on the number of days in any given year that you
23 might have been open because there's potential for
24 effort recoupment and other things that are going to

1 alter those values.

2 So the data that's appropriate to
3 calculate the per-day values is information from time
4 periods when it was open all year. That's why they
5 chose the 2006 to 2008 time period when they made
6 recommendations for this the prior two years when we
7 developed these tables. And that's why historically
8 for fluke and other things '96 to 2000 information was
9 used because that was preconervation equivalency. So
10 those were time periods when the seasons were open all
11 year.

12 COUNCIL COMMITTEE CHAIRMAN JACK

13 TRAVELSTEAD: Okay. We have a motion on the screen,
14 and it sounded fairly or like it needed a little bit of
15 work, so be thinking about that. Pat Augustine.

16 PAT AUGUSTINE: Thank you,
17 Mr. Chairman. I'll go back to my original position as
18 to dividing the question. It just seems to me we have,
19 as Mr. Simpson pointed out, there's no question the
20 burden will be on the state water folks, and in this
21 particular case, the offshore people get a free ride.

22 So I would either move to
23 strike -- and I think it's easier to move to
24 divide -- so I would move that the first part of that

1 motion become Part A, move to recommend status quo for
2 the 2001 recreational black sea bass fishery in the
3 waters of the EEZ, period, and change the -- take the
4 word and out and make that a -- and start it out by
5 saying: direct ASMFC staff, etcetera, etcetera. So
6 take out and to and make it direct.

7 And there are other things that I'd like
8 to add to that that we talked about earlier under summer
9 flounder. So I would move that on behalf of the Board
10 and on behalf of the Council.

11 COUNCIL CHAIRMAN JACK TRAVELSTEAD: Is
12 there a second to the motion to divide the question?
13 Gene seconded for the Council. Is there a second for
14 the Board? Seeing none, the motion fails for lack of
15 a second. So we're back to the original motion.
16 Comments on the motion. Jim.

17 JAMES WEINBERG: Thanks. Before you
18 get into a big discussion, I just wanted to make one
19 correction to a number that was on a sheet that was
20 handed out. It may come up in your discussion. And
21 that's the memo from the Maryland Department of Natural
22 Resources by Mike Luisi. Excuse me if I've
23 mispronounced your name.

24 Under additional considerations, the

1 fishing mortality rate for 2009 is given as 0.18. I
2 looked in the center reference document, 10-13, and the
3 value that's listed in there is .29. So I think the
4 correct value for the fishing mortality rate in 2009 is
5 quite a bit higher than the value that's listed on the
6 handout. Thank you.

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: Thanks, Jim. Pres.

9 PRESTON PATE: Jack, I'd like to ask Pat
10 a question and get her to explain once again her idea
11 of the Council taking action with the motion or with an
12 option in the EEZ that would meet the necessary
13 reduction of 43 percent. And that would remain in
14 effect until such time that the ASMFC adopts an
15 amendment to their plan that will achieve the same
16 measures or the same goals. And once that plan -- what
17 I'm unclear on right now is: Once that plan is adopted,
18 did you envision them substituting automatically for
19 the measures that were being placed in the EEZ?

20 COUNCIL COMMITTEE CHAIRMAN JACK

21 TRAVELSTEAD: Pat.

22 PATRICIA KURKUL: Yes. We've been
23 talking back and forth, Mike, Joel and I. I'll get to
24 your question, but before that just to clarify: I think

1 we would need both the Council and the Board to take
2 action to implement measures to achieve the 43 percent,
3 and then what we can do -- and then, of course, the
4 Commission would go forward with their addendum.

5 What we could do is actually put a
6 trigger in the specifications that says effectively
7 that once the Commission's addendum is passed, I could
8 make a determination that the measures approved by the
9 Board are consistent with the 43 percent reduction and
10 we would revert to the status quo measures. So I don't
11 think it would take an additional action.

12 PRESTON PATE: Okay. Thank you.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: So, again, I want to make sure I
15 understood it. It sounds to me like, Pat, that you're
16 suggesting that we amend this motion by removing the
17 status quo in federal waters, replace it with a
18 coastwide measure that achieves the required reduction,
19 having both the Board and the Committee adopt that, and
20 then leave the remainder of the motion intact. Go
21 ahead.

22 PATRICIA KURKUL: I think it's a bit
23 more complicated because presumably you still want us
24 to keep to have status quo measures after the addendum.

1 COUNCIL COMMITTEE CHAIRMAN JACK

2 TRAVELSTEAD: Okay.

3 PATRICIA KURKUL: So you'd still need
4 to keep that part of it.

5 COUNCIL COMMITTEE CHAIRMAN JACK

6 TRAVELSTEAD: Okay. Okay. So it sounds like we're
7 two-thirds of the way there. We just need the coastwide
8 measure if we're in agreement with Pat's direction.
9 Mike.

10 MICHAEL LUISI: Thank you, Mr.
11 Chairman. I just want to also be clear. There was no
12 intention with this motion to place -- the way I
13 envisioned this motion coming about: in my head I was
14 thinking regionalizing in some way and thinking of it
15 in terms of how we deal with summer flounder on a
16 state-by-state basis; and that we could potentially
17 have regions which would be allocated a certain
18 proportion of the overall coastwide quota, and that
19 region would be responsible for managing its fishery to
20 achieve that quota; whether they go over or under it
21 would be up to the region for that.

22 So, it's not -- I've heard that it sounds
23 as if the states who in the southern region operate only
24 -- fish only in the waters of the EEZ; they're getting

1 a free ride here. Well, it wouldn't necessarily be a
2 free ride because they wouldn't be compared to the
3 overall coastwide quota; they would be compared to
4 whichever regional quota would come from the work
5 through the addendum. And that was the intention.

6 Obviously, this needs some recrafting,
7 and I wonder if it would be worth taking a few minutes
8 like we did earlier to see if we can rework this.

9 COUNCIL COMMITTEE CHAIRMAN JACK

10 TRAVELSTEAD: That seemed to work for scup. Rick, do
11 you have any comment?

12 COUNCIL CHAIRMAN RICHARD ROBINS:

13 Well, we could do that. And what we're going to need
14 to -- what we really need to have, though, is a coastwide
15 alternative, whatever the will of the bodies is. We
16 need a coastwide alternative to make this work, and once
17 we have that, I think we can easily integrate that into
18 this. But that's where we are. So, Frank had offered
19 up something for consideration. Jessica had, and Toni
20 had worked together to come up with several new options
21 last night. And you had, I think, three that were in
22 the original staff recommendations. So those are the
23 choices, but I'll leave it up to you, Mr. Chairman.

24 COUNCIL COMMITTEE CHAIRMAN JACK

1 TRAVELSTEAD: So we'll take a break, but before we do
2 Jessica has a correction to the answer to Frank.

3 JESSICA COAKLEY: Yeah. I'm sorry,
4 Frank. As we were sitting here, I was
5 double-checking my numbers one more time, and I did have
6 a typo in one of the cells. The 13 inch, 25 fish minus
7 30 days in Wave 3 gets you to 36 percent. It doesn't
8 get you to the 43 percent reduction.

9 FRANK BLOUNT: So you would
10 need --

11 JESSICA COAKLEY: You would need
12 additional days off. If you'd like me to, while you're
13 on the break, I can look at taking more off of Wave 3
14 into maybe Wave 4 to see. Because it started at June
15 21. Maybe take those last nine days off of June and see
16 how much more you have to take in July to get that. I
17 can craft that out if it's helpful. But I just wanted
18 to make sure you knew that before everyone talked about
19 it on the break.

20 COUNCIL COMMITTEE CHAIRMAN JACK

21 TRAVELSTEAD: Frank.

22 FRANK BLOUNT: If I can. That was a
23 suggestion. I don't know how that affected everybody
24 in the room. That was just something looking at the

1 table. There may be a better closure of block. Do it.
2 But just so I don't get hung when I walk out of the room.

3 COUNCIL COMMITTEE CHAIRMAN JACK

4 TRAVELSTEAD: Okay. Thank you, Frank. Adam, you had
5 a comment?

6 ADAM NOWALSKI: Yeah. Thank you. I
7 just wanted to make one other comment here for
8 consideration during the break. You know, I go back to
9 Pat's comment earlier when we were talking about scup,
10 about what is it that we're really trying to address and
11 fix here.

12 And where we are with these harvest
13 limits is that you're taking a stock with harvest limits
14 above three and approximating four million pounds 2002,
15 2003, 2004, 2004, 2005, 2006, okay, during which the
16 current best available science says the stock was at or
17 above the target.

18 And the reason we're here where we are
19 today is because what is now older science caused us to
20 reduce the quotas two years ago. Starting in 2008, we
21 began ratcheting down the quotas, 2007, three years ago.
22 So I just come back to Pat's comment earlier about, again
23 -- and I understand that we don't have the easier out
24 that we had earlier because we are right up against the

1 recommendation of the SSC.

2 I understand that we don't
3 have -- you know, this Council took great efforts to come
4 up with a set of reasons for a remand here. I don't
5 think there's anything here that falls within those
6 bounds. But the final rule for the quota has not yet
7 been promulgated. That still remains within the bounds
8 of the Service.

9 And I would hope that as the Service
10 considers a final quota that what can be taken into
11 consideration is the socioeconomic impacts of what we
12 have here and that the number that's currently in place,
13 the constant catch strategy employed is the landings
14 level from 2008, which is the lowest level in the time
15 series.

16 If we're going to employ a
17 constant-catch strategy and say we now know the stock
18 was at a certain level, we should be fishing at a level
19 during which the stock was at or above the biomass level.
20 Again, I don't see a recommendation coming out of this
21 Council to change the quota, but perhaps that's
22 something that can be considered in this deliberation,
23 perhaps that the Service may take an action on their own,
24 given the fact that we have another year of

1 fishery-dependent data collaborating that we have a
2 high abundance here, and that something can be done to
3 that regards.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: Okay. We'll take a 10-minute break, see
6 what we can work out. Don't go too far. We'll be right
7 back.

8 (Break: 3:22 p.m. to 3:37 p.m.)

9 COUNCIL COMMITTEE CHAIRMAN JACK

10 TRAVELSTEAD: I'll give you a few seconds to get to your
11 seats. But there has been some discussion, and I'd like
12 to lay out a way forward, describe it for you, before
13 we actually do it so you know each of the steps before
14 they're actually done.

15 But what has been proposed would be,
16 first, that the motion on the screen be tabled. That
17 would wipe the slate clean and allow us to make other
18 motions. If that passes, then we would have a specific
19 discussion about a coastwide measure that meets the
20 required reductions.

21 The group didn't have enough
22 information at this point to know what coastwide measure
23 this body prefers. So we need more discussion on that.
24 Once we have that, Pres has a motion that he would add

1 that measure to along with additional language that
2 would move us forward. Just so you know what's coming,
3 I'm going to ask Pres to read what is right now an
4 incomplete motion because it doesn't contain the
5 coastwide measures. So if you could give us those
6 details, Pres, then we'll come back.

7 PRESTON PATE: Thank you, Jack. I'll
8 be glad to. But not only does it not include the
9 specific option that I would recommend, it might need
10 some perfection of some of the language that I'm about
11 to read out to you because I've just been sketching it
12 hurriedly in between several thoughts.

13 Move to adopt Option No. X with the
14 measures therein being in effect until such time that
15 the Atlantic States Marine Fisheries Commission
16 approves an addendum to the summer flounder, scup, black
17 sea bass plan that will achieve -- that will evaluate
18 reasonable and/or state-by-state allocations and
19 achieve the necessary 43 percent reduction in fishing
20 mortality for 2011, at which point the management
21 measures in federal waters would revert to status quo.

22 COUNCIL COMMITTEE CHAIRMAN JACK
23 TRAVELSTEAD: Okay. So that's sort of where we're
24 headed. The blank piece right now is the coastwide

1 measure that needs to be plugged into. So, just if
2 anybody's unclear or needs clarification, let me see a
3 hand; otherwise, I'm going to ask for a motion to table
4 what's on the screen. Vince.

5 VINCE O'SHEA: Thanks,
6 Mr. Chairman. And maybe I can wait on this question
7 until after you get further down. But I thought I heard
8 two concepts in Pres's motion going forward. One is the
9 issue about regulations, which I got, and I thought that
10 was pretty straightforward; but he also had an
11 allocation thing in there as well, and I'm just
12 wondering did I hear that, that we're proposing this
13 addendum that would somehow come up that we also do a
14 state-by-state -- potentially a state-by-state
15 allocation in this fast-track addendum?

16 COUNCIL COMMITTEE CHAIRMAN JACK
17 TRAVELSTEAD: Pres, you want to? It's your motion.

18 PRESTON PATE: No, you did hear that,
19 Vince. That was in my draft to try and capture some of
20 the intent of Mike Luisi's earlier motion. And if that
21 complicates the matter such that the date that we're
22 targeting cannot be met, then we can adjust that to
23 remove whatever impediment it's created --
24 unintentionally. It's not my intent to guide that as

1 a goal of the addendum. It's just trying to capture
2 what Mike had in his original.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 Thank you, Mr. Chairman. I was just going to suggest
5 if that's a sticking point that regulations be subject
6 to for allocations so that the point is that the measures
7 would be achieving a regulatory reduction.

8 PRESTON PATE: Which in hindsight is
9 more accurate than allocations. So thank you.

10 TONI KERNS: Just to be clear:
11 Regardless if it's straight or regions, you're
12 allocating those fish to the regions as well. And so
13 if this is what moves forward today, if the Board does
14 want this to be a fast-track addendum, I will need some
15 very clear guidance today as to how you would like to
16 see those allocations range because it is allocating out
17 those fish.

18 COUNCIL COMMITTEE CHAIRMAN JACK
19 TRAVELSTEAD: Steve.

20 STEVEN HEINS: Thanks. I think that
21 state-specific allocations for me have been a bad
22 experience, and I would be more inclined to support a
23 motion if it didn't refer to state-specific
24 allocations.

1 I think that we're pretty comfortable
2 with regional allocations especially based on the
3 recommendations in the NRC report on how to use MRFSS
4 in management. So I think if you're looking for
5 guidance from me, that's my advice.

6 COUNCIL COMMITTEE CHAIRMAN JACK
7 TRAVELSTEAD: Keep in mind: Once this motion is made,
8 there will be opportunity for amendments and full
9 discussion. So I was just trying to describe in general
10 terms the way forward without precluding any
11 discussion. Vince.

12 VINCE O'SHEA: Well, to follow up what
13 Pres said, in the time that you have -- from what you're
14 outlining now to when you get there, I'm going to try
15 to use that time to check with Bob and see if we go to
16 state-by-state allocations, whether or not you guys can
17 do that with an addendum and whether or not it might
18 require an amendment. It seems to me a significant
19 thing.

20 But I take your point. You don't need
21 to debate that right now. But that's the reason why I'm
22 asking that question. Thank you.

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: Mike.

1 MICHAEL LUISI: Thank you. My fear
2 with -- my intention was to allow for each of the
3 regions. Let's say the two regions are developed. It
4 would allow for each of those regions to manage a
5 particular quota, not that each region would be faced
6 with one coastwide number that indicates that the quota
7 is achieved and the federal waters closed, state water
8 fisheries would not be able to continue. My intention
9 was to allow for two separate management areas, and in
10 order to do that, unless I can't think of another way,
11 you'd have to assign some allocation to that region, to
12 that area. That allocation doesn't necessarily need to
13 be state-by-state, but regional as a grouping of the
14 allocation for that region. So that was what my
15 intention was when this started.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Yeah. I think that's very clear.
18 Howard.

19 HOWARD KING: Are you ready for a motion
20 to table?

21 COUNCIL COMMITTEE CHAIRMAN JACK

22 TRAVELSTEAD: Yeah. Let's go ahead and have the
23 motion.

24 HOWARD KING: I move that we table the

1 current motion before the Board.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: Seconded by Lee Anderson for the Council.

4 Is there a like motion for the Board? Pat Augustine

5 makes it for the Board. A second for the Board? Red

6 Munden. Okay. So the motion to table is perfected.

7 Is there any discussion on the motion? Seeing none, I

8 guess we're ready, Rick.

9 COUNCIL CHAIRMAN RICHARD ROBINS: Is
10 Council ready for the question?

11 (Motion as voted.)

12 {Move to table above motion.}

13 COUNCIL CHAIR RICK ROBINS: All those
14 in favor please raise your hand.

15 (Response.)

16 COUNCIL CHAIR RICK ROBINS: Eighteen.
17 Opposed like sign.

18 (No response.)

19 COUNCIL CHAIR RICK ROBINS:
20 Abstentions like sign.

21 (No response.)

22 COUNCIL CHAIR RICK ROBINS: The motion
23 carries. A.C.

24 A.C. CARPENTER: For the Board all in

1 favor raise your hand.

2 (Response.)

3 A.C. CARPENTER: Any opposed same sign.

4 (No response.)

5 A.C. CARPENTER: Abstentions?

6 (No response.)

7 A.C. CARPENTER: Null votes?

8 (No response.)

9 A.C. CARPENTER: The motion carries
10 10-0-0-0.

11 COUNCIL COMMITTEE CHAIRMAN JACK

12 TRAVELSTEAD: Okay. The slate is clean. Step 2 is
13 discussion on some coastwide measures that you want to
14 see added to Pres's motion. David.

15 DAVID SIMPSON: Yeah. A point just to
16 make sure that we can end up where we're thinking we're
17 going to end up. I don't know if we have Pres's motion
18 on the board, but what I heard was: we maintain status
19 quo in EEZ only while the Commission develops an
20 addendum; so it would still stay at 25 fish, the broadly
21 open season that we have, 12 1/2 inch limit, size limit;
22 then the Commission plan would go into place; the
23 Commission plan would address the 43 1/2 percent
24 reduction -- is that what we're after -- but the EEZ

1 rules would immediately upon implementation of the
2 Commission plan revert or maintain status quo; so
3 there'll be no reductions required or expected in
4 federal waters, 43 1/2 percent reduction in overall
5 harvest has to happen exclusively from state waters even
6 for states that have split shares. And I would ask: Is
7 it possible to reduce harvest 43 percent while only
8 touching state waters?

9 PRESTON PATE: I was just waiting to see
10 if it was appropriate for me to respond to that.

11 COUNCIL COMMITTEE CHAIRMAN JACK

12 TRAVELSTEAD: Pres.

13 PRESTON PATE: But that was certainly
14 not the intent of my motion. The intent of my motion
15 was to propose adoption of management measures that
16 would apply to the EEZ and state waters concurrently
17 until such time that the --

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: When states typically impose
20 regulations, they're possession limits, so they apply
21 regardless of where the catch was made, right, on
22 landing. David.

23 DAVID SIMPSON: Yes. What I heard at
24 the end of his motion -- that's why it will help to get

1 it up -- was that then once the Commission plan is in,
2 then the EEZ will revert back to status quo, which means
3 all of the reduction would have to come from state
4 waters.

5 And, I guess -- you know, if you're
6 looking for the way out of the box from 13 inches and
7 one fish, by rejiggering who does what, don't expect a
8 lot of relief. You know, this is not a way out.

9 And if this is the direction we go in,
10 first of all, I'm going to amend it so that we address
11 scup allocation between commercial and recreational.
12 That was denied resoundly by our executive director --
13 because this is a joint plan after all -- in the November
14 meeting. But now we're talking about a fast-track fix.
15 I guess I would ask the Regional Administrator how the
16 Service would feel about taking action to close a state
17 waters fishery if it's business as usual in the EEZ and
18 we're expecting the state waters to carry all the load,
19 fishermen who fish just in smaller boats and from shore
20 so that a bigger boat more capable, more
21 well-off fishermen can do whatever they want in the EEZ.
22 That's what I'm almost waiting for.

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: Let me just suggest, Pres, that you take

1 some of these comments into consideration before you
2 finalize your motion. And in the meantime, let's have
3 some discussion on coastwide measure that achieves the
4 required reduction. Adam.

5 ADAM NOWALSKI: Well, to Dave's point,
6 one of the issues is that if the end goal of these motions
7 is to have a more liberal regulation in federal waters
8 than in state waters, okay, fishermen still have to get
9 their fish home.

10 So, if you have a season that is longer
11 than what occurs in the state waters, it doesn't matter.
12 The enforcement is going to incur predominantly at the
13 state level. So, even if you wind up with status quo
14 measures at the federal in federal waters and then go
15 ahead and take reductions in state waters, it's the same
16 in those states as having closed it the same amount in
17 the federal waters. Because even if people prosecute
18 the fishery in federal waters, you can't get the fish
19 back to the dock.

20 COUNCIL COMMITTEE CHAIRMAN JACK

21 TRAVELSTEAD: That's correct. Pat.

22 PATRICIA KURKUL: I'd take it just a
23 little bit further. In fact, if someone has a federal
24 permit, they're bound by the more restrictive of state

1 or federal requirements.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: All right. Anybody have a preferred
4 coastwide measure they want to throw out for
5 consideration? The staff provided us with six, and
6 then I think Frank provided us with one as well. Frank.

7 FRANK BLOUNT: I can't make a motion,
8 but I wish somebody would -- I think Jessica can correct
9 me if I'm wrong, but I figured 13 inches, 25 fish bag
10 limit, season of July 1st 'til October 1st and from
11 November 1st 'til December 31st.

12 JESSICA COAKLEY: Yes, that achieves
13 the required reduction.

14 COUNCIL COMMITTEE CHAIRMAN JACK

15 TRAVELSTEAD: Pat.

16 PAT AUGUSTINE: I move on behalf of the
17 Board and the Council. And then, Frank, you proceed on
18 in if you want.

19 COUNCIL COMMITTEE CHAIRMAN JACK

20 TRAVELSTEAD: Is there a second to the motion?
21 Seconded by Gene Kray for the Council. And for the
22 Board?

23 RICK COLE: Second.

24 COMMITTEE CHAIRMAN JACK TRAVELSTEAD:

1 Can we get that on the screen. Again, it was 13 inch,
2 25 fish, open season of July 1 to October 1 and November
3 1 through December 31. Pat.

4 PAT AUGUSTINE: Thank you,
5 Mr. Chairman. So that motion it makes logical sense
6 that we move forward. It's obvious the previous
7 question or the previous motion that Mr. Pate was
8 putting together for us to try to move the process
9 forward is going to be much more comprehensive than it
10 appears that it would normally be.

11 This is going to be either an addendum
12 or an amendment. And from just the comment that Mr.
13 O'Shea made, there's no question it's going to turn out
14 to be an amendment because if we only do it for striped
15 -- I'm sorry, only do it for black sea bass, we did talk
16 about some issues we wanted to include in summer
17 flounder, likewise, and scup. So to rush forward to do
18 a quick fix for one species and still find ourselves hung
19 up for the other two and get into that cycle doesn't seem
20 to make a whole lot of sense. So I would support this
21 motion.

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: David.

24 DAVID PIERCE: It's, again,

1 clarification. Did you say that right now we are making
2 motions to include a number of options for coastwide
3 approaches, or are we looking for just one?

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: We're looking for one that we can offer
6 up.

7 DAVID PIERCE: All right. Then I would
8 move to amend. Well, actually, I move to substitute I
9 suppose. The motion to substitute would be: to adopt
10 a 13 inch minimum fish size, a 10 fish possession limit,
11 an open season of May -- and I'm a little unclear here;
12 I'd have to turn to Jessica for this -- was it the 29th
13 or the 27th through September; was it --

14 JESSICA COAKLEY: It would be
15 May 30, Memorial Day, to September 5th and November 1
16 to December 31 gets the required reduction with the 13
17 inch, 10 fish.

18 DAVID PIERCE: That's it. The May 30
19 through September 5th and the November 1 through
20 December 31st.

21 COUNCIL COMMITTEE CHAIRMAN JACK

22 TRAVELSTEAD: That was a substitute motion?

23 DAVID PIERCE: Substitute.

24 COUNCIL COMMITTEE CHAIRMAN JACK

1 TRAVELSTEAD: Is there a second to the substitute?
2 Mike, you're seconding the motion for the Council? For
3 the Board. I'm sorry. Is there a second for the
4 council? Howard.

5 I'm sorry. You made the motion for the
6 Board only. So we need a like motion for the Council.
7 Howard you're making a motion for the Council. And now
8 we need a second from the Council. Steve. I think I'm
9 clear. On the substitute motion comments? Frank.

10 FRANK BLOUNT: Thank you, Mr. Chairman.
11 To Dr. Pierce, I'm just curious on why you chose 10 fish
12 because the difference between 10 fish and 25 is
13 negligible. So any number in between basically gets
14 you there. Is there any reason the 10 was chosen?

15 DAVID PIERCE: Well, I'm not referring
16 to any particular table. I'm just going back to the
17 earlier discussions regarding what we get as the
18 necessary reduction, and I was looking to create an
19 earlier time for the fishery to begin.

20 With the 10 fish, I have for the longest
21 of times said that the 25 fish is too high for the
22 recreational fishery coastwide. Even 20 in
23 Massachusetts is too high, and we'd like to reduce that.
24 So the 10 fish makes a lot more sense. In addition, I'm

1 looking to see what potentially could happen in New
2 Jersey, recognizing that New Jersey's landings did drop
3 down, the catch did drop down in 2010.

4 But in 2011 -- and we're about to begin
5 2011, and certainly once the season begins, the numbers
6 could easily jump right up again if the bag limit is
7 high, again, trying to assume that things will be
8 strange and unpredictable in 2011 as it was in 2010.
9 So, again, that's the rationale for the motion.

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Any further comments? Chris.

12 CHRISTOPHER ZEMAN: What's the
13 conservation benefit of having a closed season like for
14 the Wave 1? None of these alternatives have an open
15 season from like January, February and/or March and
16 April. What's the conservation benefit given for a
17 Wave 1 closure?

18 TONI KERNS: We were closed last year
19 during that time period, so you don't get any added
20 benefit for closing again 'cause you're already closed.
21 So there is none. So, when the calculations are done
22 for what your reduction is, you start with your current
23 season, which is the May 22 to October 11, October 30
24 to December 31, and then as you take days away, you get

1 the accrued percentage reduction from taking those days
2 away. If you were looking to open other time periods,
3 it would increase the landings, obviously.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: Frank.

6 FRANK BLOUNT: Just to that, I'm
7 looking at Wave 1, and for some reason it was closed last
8 year, but there were 51,000 landings, and that's the
9 highest in the time series if you go back to 2006. It's
10 58,000. It's 24,000 in '07, 33, 46. And last year it
11 was closed and 51,000.

12 TONI KERNS: I'll also note that North
13 Carolina is the only state that has Wave 1 samplings.
14 So those numbers you were looking at are probably North
15 Carolina landings and wouldn't represent the other
16 states.

17 COUNCIL COMMITTEE CHAIRMAN JACK

18 TRAVELSTEAD: Adam.

19 ADAM NOWALSKI: Again, I go back and
20 look at these, and based on where we are with regards
21 to the reason of how we got here, I just don't see us
22 fixing the underlying problem here. The underlying
23 problem is that science led us down a road. We have
24 better science available now that tells us the stock is

1 rebuilt, and we're continuing to react to the old
2 information that we had. Again, I sympathize with the
3 Council members who are constrained by what's here, but
4 we're -- I mean we could go back. If we're picking a
5 regulation that says in order to constrain the catch,
6 we might as well go back to the 2008 regulations when
7 12 inches, open all year at 25 fish resulted in only 1.56
8 million pounds of landings.

9 And I just don't -- I don't see how any
10 of these is going to give us any more confidence. I
11 can't look at any of these options and say this gives
12 me any more confidence that we're going to constrain the
13 catch to the recommended harvest level than another one.

14 None of these give me that level of
15 confidence. And if that's what we're here to do, and
16 if that's what the FMP tells us to do, I don't have --
17 none of these give me that level of confidence.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: Yes. Pete.

20 PETER HIMCHAK: Yes. Thank you, Mr.
21 Chairman. I realize the predicament that we're in, and
22 I am very reluctant to fast-track anything with regional
23 allocations; because two years, three years down the
24 road you may not be happy with what you did to get out

1 of the box today. I think there's going to be some real
2 pain experienced next year. But we have to move ahead
3 on an amendment for some kind of regional approach with
4 both scup and black sea bass because we're just dealing
5 with the problem every year and trying to find a new
6 creative solution to it, and we're going to run out of
7 creative thinking here, and then we're all going to be
8 left with like, well, we'll reduce them by 70 percent;
9 I'm sorry.

10 So we know we have a problem. We know
11 we have to fix it. I don't think we're going to fix it
12 this year on black sea bass. We don't have the leverage
13 we had on scup. And we move forward with recommending
14 something from the Council that meets the reduction and
15 start working on the amendment. Thank you.

16 COUNCIL COMMITTEE CHAIRMAN JACK

17 TRAVELSTEAD: Any other comments? Vince.

18 VINCE O'SHEA: I was going to hold my
19 peace here, Mr. Chairman, but somebody started a rumor,
20 and others have picked it up. I said that I would check
21 and see whether or not an addendum or amendment would
22 be required, and I've done that. And we think that
23 you've had precedent to allocate -- when you did the
24 state-by-state black sea bass commercial allocations,

1 you did that by addendum, and in the adaptive management
2 measures within the plan, you can do it by an addendum.
3 That having been said, when I gave you the fast-track
4 thing to do regulations -- you know, that's not much of
5 a public process, so even if you did do it by addendum
6 I think you would probably more then seriously consider
7 -- and you were going to do state-by-state allocations,
8 I think you would really want to be talking about -- you
9 know, do more of that in the public process to set those
10 state-by-state allocations. So, okay to do it with an
11 addendum -- but I think it would be very difficult for
12 us to deliver you something by the 24th of March.
13 Thanks.

14 COUNCIL COMMITTEE CHAIRMAN JACK

15 TRAVELSTEAD: Rick.

16 COUNCIL CHAIRMAN RICHARD ROBINS:

17 Jack, similarly to this point I think the addendum
18 that's being contemplated on the Commission's side is
19 a fast track short term fix for the immediate fishing
20 year. I would suggest that after we handle this issue,
21 that the Council consider an initiating an amendment on
22 the Council's side to deal with the same issue; because
23 we are going to want to have I think the ability in the
24 Federal FMP to be able to deal with this same question.

1 So -- you know, right now we are having to work through
2 the process to come up with the solution, but I think
3 we need to initiate the same thing and it will probably
4 take us 2 years to go through this. But I think we need
5 to have it on both sides of the thing.

6 UNIDENTIFIED: We've had a lot of
7 discussion around the table pro and con, I think we are
8 at a point in time where we are repeating ourselves and
9 thank Mr. O'shea for the clarification on the difference
10 between and addendum and an amendment, but I'd like to
11 call the question. We got to take the hard decisions,
12 let's do it -- call that question to substitute.

13 COUNCIL COMMITTEE CHAIRMAN JACK
14 TRAVELSTEAD: Again the motion is to substitute the
15 Pierce measures for the Augustine measures.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Is
17 the Council ready for the question? Pete.

18 PETER HIMCHAK: Can we get some public
19 comment between the 2 options that are up there.

20 COUNCIL COMMITTEE CHAIRMAN JACK
21 TRAVELSTEAD: I see a couple of hands. Do you want
22 to hold off?

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 That's fine. We can go ahead and take a couple of

1 TRAVELSTEAD: Let me just offer to the public that
2 you're welcome to have your say, but it would really
3 help us if we knew which one of the two motions that
4 are before us you prefer. Go ahead.

5 HOWARD BOGAN: I'll let you know
6 which two. But when are we ever going to have
7 another stock assessment on sea bass? Because I know
8 we went through this with bluefish years ago where they
9 said that bluefish should be one fish limit, and there
10 was lots of blues; scup, lots of scup, fluke.

11 When are we going to have a new
12 assessment on sea bass so we can actually get a quota
13 where we can go out and fish and catch and keep them?

14 COUNCIL CHAIRMAN RICK ROBINS:
15 Jack. Well, to that point, the next update is
16 scheduled for next summer, but that's going to be an
17 update of the existing stock assessment model.
18 There's a benchmark scheduled for December 20, '11,
19 in SARC 53, and that would be a new benchmark stock
20 assessment. So some of these questions that we have,
21 particularly with respect to stock structure and
22 definition, should be addressed through that process.

23 HOWARD BOGAN: One other
24 question: When do we actually stop using MRFSS data

1 to promulgate regulations?

2 COUNCIL CHAIRMAN RICHARD ROBINS:
3 MRFSS will continue to be used, but over the
4 course of the next year the pilot projects that are
5 beginning to result in potential changes through the
6 MRIP process will begin to come online. And we've
7 already discussed today the fact that we're going to
8 try to get some updates here at the Council table
9 about those ongoing reforms.

10 HOWARD BOGAN: Well, I mean if
11 there's no other way to adjust, could go with status
12 quo and keep the regulations as they were last yea.
13 Then, actually, I don't know why January and February
14 isn't open because we don't catch much during that
15 period.

16 But I'd have to go with the first motion
17 with the 25 fish limit 'cause there's no point in cutting
18 down to 10. I mean the number 25 would be better for
19 us, and that season would work better. And that's the
20 motion I would go with, the first, the original one.

21 COUNCIL COMMITTEE CHAIRMAN JACK
22 TRAVELSTEAD: Thank you. Next.

23 MONTY HAWKINS: Yes, sir. My
24 apologies to the Council and Commission for my

1 earlier outburst. My life's work hangs on these
2 agenda items. I presented evidence to the Ecosystems
3 Committee with a video yesterday, a video that's easily
4 found on the web just near shore corals and Mid-Atlantic
5 Bight, and I tried to show them that the sea bass are
6 a habitat-dependent species, that without coral reef,
7 some kind of reef -- it's often coral out of here and
8 up off of Maryland -- coral reefs -- and these are coral
9 reefs that are close to shore. This isn't deep water
10 corals, the stuff that you're talking about in the
11 Caymens and stuff. I'm talking about 65, 70, a hundred
12 feet like that. Without reef you cannot have sea bass.
13 So not only are the fish dependent on reef for feeding,
14 spawning and growth maturity, but they return to that
15 reef, their habitat fidelity.

16 The fish that live in Massachusetts will
17 offshore winter somewhere up there and then go back to
18 Massachusetts. Our fish do the same thing. The fish
19 down here off of Virginia Beach might only go 20 miles
20 in the wintertime. Given almost any level of
21 management, habitat reduction results in less fish, and
22 habit increase results in more fish.

23 So where Massachusetts has had ongoing
24 way more habitat work going on with the Northeast

1 Fishery Management Council than has gone on here and
2 also where there's gigantic artificial reef off the
3 coast of Jersey, they're having production. The catch
4 that they have is sustainable. You're leaving economic
5 monies on the table there by not taking advantage of the
6 production that they have created. And similarly, the
7 reward for their habitat production is our closure.

8 Folks, this is just going in a terrible
9 direction. You have to recognize habitat production as
10 a bonus for the people that have endeavored to do it,
11 and you also need to recognize that the habitat fidelity
12 where they have had this production their increase in
13 catch has had nothing to do with what we're doing down
14 here. Thank you.

15 STEVE HUEY: My name is Steve
16 Huey, Captain and Deck Hand on Party Boat Dollis, Point
17 Pleasant, New Jersey. I'm going to say the first one
18 is definitely the best one. If anything of what you're
19 going to do that should be the one that we should choose.

20 I don't know what to say about this.
21 It's coming from a layman's term, and I haven't been
22 really into this much throughout -- you know, my career
23 on the boat. My boss has handled it. He's not feeling
24 well. He's under the weather right now.

1 But I got to say that this country right
2 now is in a ditch. The economy is horrible. To bring
3 down the levels, the fish limits, is -- this is a bad
4 time. This is not 1996, 1998. It's not 2000 anymore.
5 We're in a depression, let's face it. We need jobs.
6 This business, a lot of businesses, all these guys here
7 they're all bringing business and jobs to the
8 communities through fishing. I want to say what Mr.
9 Augustine said before about children coming fishing and
10 you don't see them.

11 If we don't fix this, first of all,
12 there's not going to be any boats left to bring any
13 children on them because they're going to be gone, the
14 businesses. Everybody is going to go out of business.
15 I might not have a job next year. I'm almost pretty much
16 planning on it the way this is
17 going. I'm looking ahead at that.

18 So it needs to be fixed. I appreciate
19 everybody's work. Everybody does a really good job.
20 But I do think that there's serious facts. And I think
21 the most important thing that needs to be taken into
22 consideration is the time, the time that's going on now
23 in this country and the things that you need to adapt,
24 all the signs and everything that's going on with the

1 fish, okay, which I don't believe -- and my boss has been
2 in this job for 50 years, 60 years says it has not changed
3 since the '40s and '50s, the size of these fish that
4 we're catching. In respect to that, things need to
5 change. Thank you.

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: Thank you. Anyone else? Sir.

8 JEFF GUTMAN: Once again, Jeff
9 Gutman. A couple party boats up in New Jersey. I
10 guess I have one -- again, I always come up with a
11 question because I'm not quite sure. What exactly -- if
12 January and February were open -- it seemed like there
13 were negligible landings, once again, in those couple
14 months just like with scup.

15 What do we get, lose? I mean I know what
16 I lose. I lose the opportunity to go fishing because
17 now I can't go scup fishing, I can't do anything in
18 January and February, but maybe I could eke out an
19 existence if I could go catch a few sea bass. But what
20 kind of credit do you get or credit do you lose for having
21 January and February open?

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: January and February were closed this
24 year.

1 JEFF GUTMAN: I realize that.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: You don't get any credit for reopening.

4 JEFF GUTMAN: Okay. I'm just
5 saying. How much of a penalty? I should phrase it
6 that way. How much of a penalty do we get for
7 opening January and February? In other words, we
8 don't catch much then, so why not open it anyway, give
9 a couple guys a break here?

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Then you got to take days off somewhere
12 else.

13 JEFF GUTMAN: I know. I'm just
14 trying to figure out what the percentage thing is.
15 We keep arguing this is one extra percent for two
16 days here or there. I'm just trying to find out how
17 much January and February is worth.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: I don't think they can answer your
20 question today.

21 JEFF GUTMAN: That's the second
22 time they couldn't answer my question today. The
23 numbers, people, can answer my question.

24 TONI KERNS: We would need to go

1 into the VTR data and pull the VTR data to see what
2 the catch is and then combine that with the landings
3 that we do have for MRFSS in Wave 1 to figure out what
4 the percentage of credit or percentage of -- what
5 percentage you would accumulate by adding those days
6 back in to figure out what we would need to take away
7 from other dates, and we don't have the VTR data here
8 in front of us.

9 JEFF GUTMAN: Well, I apologize
10 for tasking you to come with all the data to these
11 meetings. I mean, it's unfortunate because this is my
12 livelihood. You know, I don't get paid if I don't go
13 fishing. So it is important to me. And I ask since you
14 guys are tasked with the job of having all the numbers
15 that you do have them. You know, because, like I said
16 earlier today, with scup we were here; everyone voted
17 on it; scup's open January and February; and then
18 miraculously when the final rule came out, it wasn't on
19 there even though everyone here voted for it.

20 COUNCIL COMMITTEE CHAIRMAN JACK
21 TRAVELSTEAD: Well, keep in mind what the Council
22 does here is recommendations to the Fishery Service.

23 JEFF GUTMAN: Oh, I understand that. I
24 thought it was kind of the Service would go along with

1 will not be an acceptable outcome here today,
2 apparently, I would -- basically, we need the 25-fish
3 option.

4 Possibly the second option there would
5 be better if it were moved from 10 fish to 25 fish. If
6 that second option remained at 10 fish, then I would
7 support the first option, 25 fish,
8 July 1st to October 1st and then November 1st to December
9 31st. Thank you.

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Thank you. Keep it real short.

12 PETER HIMCHAK: Yes,
13 Mr. Chairman. You know, in the interest of what I'm
14 looking for from the public, we've had major
15 discussions about problems up to this point. We're
16 left with two options. Now, this affects your
17 livelihood. I have to vote on the substitute motion
18 or the main motion. So I'd like to hear from as many
19 of you as possible. And cut to the chase.

20 You know, we have to swallow a pill here,
21 and which one is it? So, in the interest of time, I'd
22 like to hear more people give a very short answer if
23 that's possible.

24 JOSEPH HUCKEMEYER: I'll keep it

1 real short. The first one for the reason the 25 fish
2 for the charter boats, not necessarily all the
3 party boats, but the charter boats need the higher
4 bag limit to get the people to fish for sea bass
5 because the times when sea bass are targeted in
6 New England nothing else is open.

7 Particularily, for the first one,
8 September's open and nothing else. Sea bass is all we
9 do in September. Scup closes in the middle of the
10 month, and fluke is closed, so we have nothing else to
11 do for the charter boats at least but sea bass. So I
12 would go with No. 1.

13 And the other thing is in the spring half
14 of the time it's going to be closed or part of the time
15 it's closed we'll be able to catch scup with the spring
16 run in Massachusetts.

17 COUNCIL COMMITTEE CHAIRMAN JACK

18 TRAVELSTEAD: Thank you. Anyone else?

19 VICTOR BONNY: I'd just like to
20 say I don't want to be against any of you other guys
21 here that are in the business. Everyone's got to
22 make their livelihood. But in Maryland we need the
23 second option, the 10 fish.

24 It makes me sick having to go from 25 to

1 10 and 13 inches. It's sickening, but I mean that's
2 what we need to stay in business. We don't have
3 anything else to fish for. I don't have anything else
4 to fish for.

5 Our only other option would be to go tog
6 fishing, and there's two other party boat captains here
7 right now from Maryland, and we will put a hurting on
8 them. There's is no doubt about it. There's no doubt
9 in my mind.

10 And I just spoke to Jim here from Cape
11 May here a little while ago. He's going to do the same
12 thing. And it just -- the smaller that the total
13 allowable landings are the more fighting and the more
14 this is going to go on.

15 And, I mean, really I don't see where
16 either option is really going to do us much good because
17 just by the way the numbers are run. We're going to
18 catch our quota anyway. They're going to say we caught
19 it. They're going to say that we went another 30 or 40
20 percent over. And the bottom line is the way I look at
21 it we're going to be left with a fishery that's more than
22 rebuilt that's not fished at all. There isn't going to
23 be any more season. And that's all I have to say. Just
24 second option for Maryland.

1 SKIP FELLER: My name's Skip Feller.
2 I've got the head boats here in Virginia Beach. And the
3 first option is going to be best for us.

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: Anyone else?

6 STEVE PARSONS: I'm Steve Parsons
7 from Fishermen's Wharf, Delaware. A couple questions
8 here. Both options look interesting. For Ocean City
9 and for some of the operations 10 fish for the summer
10 would work great. For other of us the 25 would work
11 great.

12 Is there a way that you could work those
13 figures where, for say, June 15 through September 5th
14 is 10 fish and then opening or maybe into September 10
15 fish again, and then when we have good fishing when the
16 landing for the middle of the country, the guys from
17 Pennsylvania and Western Virginia and all that can come
18 down, do their freezer stock and get 25 fish per man,
19 say from say 15 October or 1st November to the 31st of
20 December and split it up that way? That way the guy in
21 the little boat is going out with the kids. They can
22 catch a fish. The little kids can have something to
23 take home and cook. And then the guys who seriously
24 who's got to take and provide food for his wife and his

1 family can catch 25 fish for freezer stock in the winter
2 or fall of the year so they can make it through the winter
3 on what limited income they might have.

4 Could you look that up and take a look
5 at it? I think that might be a better way that kind of
6 satisfies them, satisfies some of us others. I'd
7 prefer to have it 25 across the board because we know
8 that everything is flawed.

9 And I think it seriously needs to be
10 addressed a lot sooner than next December. It needs to
11 be addressed in the very near future and make sure we
12 get the figures right because we fished 200 less days
13 this year than we did two years ago and caught equal
14 amount of fish.

15 So think about it. That means we're
16 catching twice as many fish or more in 165 days. So our
17 balance of fish is a big difference. We're catching a
18 lot more fish with a hell of a lot less effort. So we
19 know things are flawed. Gentlemen and ladies, fix it.
20 It's your job to fix it. If you need to pass something,
21 get it passed. Work on it. Get it done right. If we
22 change things around where let's say we put 10 cents a
23 fish tax on, and everybody here that works for this stuff
24 if your paycheck came from that, you'd be real slow to

1 cut us back 25 or 50 percent because you would lose 25
2 and 50 percent of your wages, and that would make it
3 tough.

4 But that's what you're doing to us.
5 That's what we lose. It doesn't seem like that three
6 months of last winter from October to December that we
7 were closed, a hundred thousand dollars worth of
8 business, but it's a hundred thousand to me. It's a
9 couple hundred thousand dollars to the outlets and the
10 motels and all that around us because the wives come down
11 to fishing.

12 So there's something wrong here. You
13 need to fix it. If you can look at that, adjusting those
14 two so maybe we can do a 10 in the summer when the guys
15 flounder fish and catch a sea bass to keep it, the little
16 kids get something to keep, so maybe we'll involve the
17 kids more into fishing, and they'll want to go.

18 And then maybe using the 25 in the latter
19 part of the season so we can come up with a way to freezer
20 stock to take a little pressure off of some people so
21 maybe they can make it through the winter and be able
22 to feed their family for five dollars a day versus
23 twenty-five dollars a day or fifteen. All right.
24 Thank you.

1 BOB RUSH: Bob Rush, Seattle
2 City, New Jersey. I own a couple party boats. I'm
3 being asked here to swallow poison, though, Option 1,
4 Poison Pill A or Poison Pill B. Either option
5 doesn't work. Okay. We've been through this time
6 and time and time again since all fisheries
7 management started.

8 All we've heard: Bite the
9 bullet today; we will succeed in the future. Here we
10 are how many years later we're still going a round robin.
11 It's doing the first thing every year, year in and year
12 out.

13 I have a question because I've heard
14 three times today VTR's. Are VTR's being used
15 for fisheries management? Because I've heard three
16 times that we have to go back and look at VTR's. Are
17 VTR's being officially used for fisheries management or
18 unofficially?

19 COUNCIL COMMITTEE CHAIRMAN JACK
20 TRAVELSTEAD: Jessica.

21 JESSICA COAKLEY: Okay. When the
22 preliminary MRFSS estimates come out, so each wave,
23 like we just got Wave 5, the VTR's are not used in
24 that estimation process for the preliminary data.

1 When the data goes final for the year --
2 so that would be in April 2011 when they finalize the
3 2010 data -- the VTR data are pulled because that's when
4 they're compiled for the entire year 'cause there's a
5 lag with compiling and auditing them. They're compiled
6 for the entire year, and they're used to reconcile the
7 effort component for the for-hire survey. They're used
8 for that component.

9 The issue with Wave 1 where the
10 MRFSS -- for most of the states Mass. to Virginia are
11 not sampling Wave 1, there are some VTR data available.
12 It's only available obviously for the for-hire mode,
13 party charter mode, not for private angler.

14 And because they were closed this
15 last year, there aren't VTR's available for that, for
16 sea bass, because the fishery is closed this year, but
17 there are VTR's for previous years.

18 BOB RUSH: Correct me if I'm
19 wrong, though. I thought VTR's by law were not allowed
20 to be used in fishery management. Now I'm hearing today
21 that the final ruling and final amendments, final
22 addendum, blah, blah, blah, whatever, VTR's are being
23 taken into account.

24 So which is it? We can't say we're not

1 going to use them and then use them. If by law we're
2 not allowed to use them, how come we're
3 taking them into account? And that's a question I've
4 brought up several years in a row, and I keep getting
5 the same answer. If we're going to use them, let's
6 change the law and use them on a full-time basis.

7 COUNCIL COMMITTEE CHAIRMAN JACK

8 TRAVELSTEAD: We don't have VTR's for everything, so we
9 can't -- I think Jessica answered the question.

10 BOB RUSH: But we have realtime
11 data I guess is what I'm trying to say. There's
12 realtime data out there, okay, that officially we can't
13 use, but unofficially we are. That's our ???

14 COUNCIL COMMITTEE CHAIRMAN JACK

15 TRAVELSTEAD: Any other comments? Anyone else?

16 JIM CICCHIPPI: My name is Jim
17 Cicchippi. I have a few boats in South Jersey. If I
18 had to pick one, I guess I would pick the first one, but
19 unfortunately I don't think that that's going to solve
20 the problem. It is a regional issue. Even if you have
21 to revisit it every few years. The fish have changed
22 from what it was from years ago to today.

23 And the other thing is is like having
24 January, February and March, I mean there's a few of us

1 in this room that really count on those months being
2 open. And having them shut down when you're not even
3 counting any fish for those months is absolutely
4 ridiculous. It's just pushing us to do something else
5 or go out of business. I do want to reiterate what
6 Victor also said. From Atlantic City south, we have
7 nothing else to fish for except for sea bass. That's
8 it. So we don't have scup. We don't have anything
9 else. Thank you.

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Okay. We're going to come back to the
12 Council and Board now. Any final comments from anyone?
13 I think we're probably ready to vote. We've heard quite
14 a bit of information. Chris, final comment?

15 CHRISTOPHER ZEMAN: I just have
16 one final comment. I've been putting together this
17 wave data for both the New England states and
18 Mid-Atlantic states, and based on my calculation, it
19 seems like from 2006 to this year there's been a total
20 of five million less trips. So we're going
21 from like 20 million shore and party charter trips to
22 about 15 million.

23 So, yeah, there is a -- and of that like
24 2.4 million are party charter trips. So in the last

1 four years, there's basically been a decline of like 2.5
2 million trips. I'm just speaking that point because it
3 just seems like there has been a change between like
4 pre-2008 and post-2008, and I wonder if that's sort of
5 playing into -- if maybe that's the explanation of what
6 we're seeing with the MRFSS data with most of the states
7 actually seeing reductions in landings and only two
8 states that are seeing record high increases. Again,
9 I'm always trying to sort of -- you know, put a story
10 behind the MRFSS data 'cause that's -- yeah, that's how
11 I sort of come to my decision is I sort of get an answer
12 to what's driving, what's the dynamics behind the data.

13 And I really still can't figure it out
14 except for that, that we've had like an economic
15 recession, and we're just having less boats on the water
16 and less trips. And I think that may be a factor that
17 could answer it.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: Okay. We're going to vote.

20 COUNCIL CHAIRMAN RICHARD ROBINS:

21 Is Council ready for the question? Do we need to
22 restate the motion for the record here, Jack?

23 COUNCIL COMMITTEE CHAIRMAN JACK

24 TRAVELSTEAD: Again, the motion is to substitute the

1 Pierce motion of 13 inch, 10 fish, May 30 to
2 September 5 and November 1 to December 31; substitute
3 that for the main motion.

4 COMMITTEE CHAIRMAN RICHARD

5 ROBINS: Thank you. Council ready for the question?

6 (Motion as voted.)

7 {Substitute above motion to adopt a 13" minimum
8 fish size, 10 fish possession limit, and an open
9 season of 5/30 - 9/5 and 11/1 - 12/31.}

10 COUNCIL CHAIR RICK ROBINS:

11 All those in favor please raise your hand.

12 (Response.)

13 COUNCIL CHAIR RICK ROBINS: Five.

14 Opposed like sign.

15 (Response.)

16 COUNCIL CHAIR RICK ROBINS: Thirteen.

17 The motion failed. One abstention. Thank you.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: I'm sorry. That motion having failed,
20 there's no need to vote. Correct? David Pierce.

21 DAVID PIERCE: Since we're now on
22 the main motion, Mr. Chairman, just a clarification. All
23 right. The main motion would, let's see, the
24 open season begins July 1. My question would be: If

1 someone has research set-aside, recreational
2 fishermen, party boat/charter boat operator who has
3 a research set-aside, has purchased it through the
4 auction, the NFI auction, will that individual of
5 that operation be able to function provided they get
6 a letter of authorization in May and in June? I
7 think the answer is yes. Correct?

8 COUNCIL COMMITTEE CHAIRMAN JACK
9 TRAVELSTEAD: Well, it depends on what happens with
10 Pres's motion down the road because this measure --
11 let's assume it passes -- now may go away if the
12 ASMFC does this addendum, right, and has it in place
13 in time. That can set up a whole series of other
14 seasons and size limits and --

15 DAVID PIERCE: Okay. Well, you're
16 ahead of me, but that's okay. You're giving us
17 guidance. Regardless, the point is still a valid one
18 in that with this motion if it passes and then with a
19 subsequent motion that might pass leading us to some
20 different seasons, we have the oddity of there being
21 potentially a large number of charter party boat
22 operators who will be able to fish outside of the rules
23 and regulations established by the board, that is,
24 they'll be able to fish assuming they get the letter of

1 authorization with a different bag limit; they'll be
2 able to fish during seasons that are closed for everyone
3 else.

4 I just wanted to highlight this as a real
5 concern. It's a problem I see with our being able to
6 wrestle with fairness and equity issues for -- you know,
7 recreational fishermen in our waters versus those who
8 would have been able to get a hold of in some cases large
9 amounts of research set-aside and take advantage of the
10 opportunities that they can provide.

11 So, again, if I've missed something
12 regarding opportunities that are provided by these
13 research set-asides, then I would appreciate being set
14 straight.

15 COUNCIL COMMITTEE CHAIRMAN JACK

16 TRAVELSTEAD: Pat.

17 PATRICIA KURKUL: Well, so
18 there's not confusion, I mean the research set-asides
19 do allow exemptions from some of the regulatory
20 requirements, and so presumably if you're fishing under
21 an RSA, you could get an exemption from the seasons if
22 we agree to that exemption and the state agrees as well.

23 DAVID PIERCE: If I may, that's
24 exactly correct. The recreational fisherman is not

1 doing research. The charter party boat operator is
2 not doing research. He's purchased fish. That fish
3 then gets sent to NEMAP to fund NEMAP, for example.
4 So there's still a commercial fishing operation or
5 recreational fishing operation that has purchased
6 fish in order to exempt themselves from the ASMFC
7 rules.

8 That to me is a strange -- it's a
9 situation that makes me very uncomfortable, and I
10 suspect that more and more fisherman will get involved
11 with that option, recreational fishermen to free
12 themselves of the constraints created by the
13 regulations we implement in our states. That's all.

14 COUNCIL COMMITTEE CHAIRMAN JACK

15 TRAVELSTEAD: Vince.

16 VINCE O'SHEA: Pat made my point,
17 Mr. Chairman. Thank you.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: Okay. Pat, did you have anything else?
20 No. Red, did you have your hand up? Pres. Pres.

21 PRESTON PATE: Mr. Chairman,
22 since we're back discussing the main motion -- I
23 assume that's what we're doing now -- and keeping with
24 the strategy that you described earlier, I think it

1 would be appropriate for me to offer an amendment to the
2 main motion that would take into account the intent of
3 the motion that was tabled earlier. So, Janet, could
4 you put that up, please. And I offer this up with the
5 full expectation that it may very well require some
6 perfection to achieve what everybody expects out of
7 this.

8 And you'll notice that my earlier
9 explanation or my verbalization of my
10 intended motion it did include the state-by-state
11 language for the specifications, and that created
12 some concern from someplace, so I took that out.

13 I recognize that in the course of
14 considering the addendum, the Council or the Commission
15 has the flexibility to factor in state-by-state
16 considerations if they so choose.

17 So I would move to amend the main motion
18 to adopt the following coastwide measures and then those
19 measures would be written into this. These measures
20 will remain in effect until such time that the ASMFC
21 approves an addendum to the summer flounder, scup, black
22 sea bass plan that evaluates and approves regional
23 specifications that achieve the necessary reduction in
24 fishing mortality for 2011 at which time management

1 measures in the federal waters will revert to the status
2 quo.

3 COUNCIL COMMITTEE CHAIRMAN JACK
4 TRAVELSTEAD: Thank you, Pres. Seconded by Gene Kray
5 for the Council, and made by Pat Augustine for the Board.
6 And is there a second for the Board? Mike Luisi is
7 seconding for the Board. Correct? Okay. So Jan is
8 cutting and pasting the measures in there, so you would
9 see how the full motion would look. Comments on the
10 motion to amend? Peter.

11 PETER DEFUR: A clarification: that
12 the status quo is the same specs that we had last year.
13 Right?

14 COUNCIL COMMITTEE CHAIRMAN JACK
15 TRAVELSTEAD: The same measures that we have this
16 year.

17 PETER DEFUR: Same measures that
18 we had last year.

19 COUNCIL COMMITTEE CHAIRMAN JACK
20 TRAVELSTEAD: Yes. 2010.

21 PETER DEFUR: For '10, yeah.
22 Yeah. So speaking about in the future, referring to
23 the present time as the past. Doesn't that make the
24 assumption then that future actions by the ASMFC will

1 be sufficiently protected, not just that they are in
2 place, but what their action does will be sufficient to
3 address on any overfishing problems that we're trying
4 to address here, not just that they're taking action,
5 but that actions will be of sufficient.

6 There's a little bit of ambiguity there,
7 or we're making a fairly bold assumption recognizing
8 that all the people are going to take that action are
9 sitting at the table. But we're assuming they're going
10 to follow our wishes and intent by the Council. Right?

11 COUNCIL COMMITTEE CHAIRMAN JACK

12 TRAVELSTEAD: Well, what the motion is saying is that
13 the measures the states put in place will have
14 achieved the full reduction and at the same time
15 allowing status quo on measures in federal waters.
16 That's part of the calculus that will have to occur.

17 Now, a couple of people have pointed
18 that the latter is not that much of an issue because
19 state rules generally are possession-type
20 requirements.

21 PETER DEFUR: Correct. Right.

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: They affect. Regardless of where the
24 fish are taken, they apply.

1 PETER DEFUR: I'm sorry,
2 Mr. Chairman. What was the question? Was there a
3 question to me?

4 COUNCIL COMMITTEE CHAIRMAN JACK

5 TRAVELSTEAD: No. You're all right. Vince.

6 VINCE O'SHEA: Maybe this is too
7 early to ask the maker of the motion or the intent
8 here. But who will decide whether the ASMFC measures
9 get the required reduction? Is that going to be a
10 decision by the Monitoring Committee, the Technical
11 Committee, the Board itself? Who's going to decide
12 that?

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: Pat.

15 PATRICIA KURKUL: Well, presumably
16 that would be part of the addendum and the analysis in
17 the addendum. And, again, assuming that the analysis
18 in the addendum is sufficient, then I would make the
19 determination on the federal side.

20 VINCE O'SHEA: Thank you,

21 Mr. Chairman.

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: Let me go back to the originalist, Dave
24 Simpson.

1 DAVID SIMPSON: Yeah. There's an
2 awful lot in here, obviously. You know, we're trying
3 to deal with this year's problem, the coming year's
4 problem. We're going to do this throughout the 2011
5 fishing year, I guess, 'cause we're going to start with
6 one set of rules, work on a plan for developing another
7 set of rules, implement those mid-season. Then the way
8 this is described, federal waters would revert back to
9 status quo rules, which really only means by the time
10 this can actually happen instead of being closed on the
11 first, you would close on the 11th of October, and you'd
12 go down from 13 inches to 12 1/2. This seems -- you
13 know, terribly convoluted to achieve that. It's not
14 specified in here that this will be just for the 2011
15 season, this whole allocation issue. Even though the
16 word isn't used -- you know, that's what it is. Once
17 you do it regionally, it's an allocation, and you know
18 how hard that habit is to break.

19 So I guess I'm wondering what this
20 complicated motion actually achieves for 2011 other
21 than leaving the public completely confused for the
22 whole year. And, of course, once you pick your regional
23 management, it has to be evaluated not just on its own
24 merits, but in the context of what has already happened

1 in 2011 -- you know, whether you've been -- I guess
2 you've been closed, but maybe you wanted to open in May.
3 You're creating a god awful mess all within 2011.

4 You know, we did change black sea bass
5 rules in 2010 mid-season. Some people got that
6 message. Many people didn't. It's god awful
7 complicated, and it is getting into allocation, and it
8 still reserves that very curious we're going to leave
9 the federal waters alone thing that I find problematic
10 on multiple levels. I'm going to oppose it for all of
11 those reasons.

12 I think if we're going to deal with
13 allocation on this FMP, it certainly should include
14 scup. That was flat out rejected just a month ago by
15 the same group of people, flat out rejected, and now for
16 black sea bass it's an imperative that we're going to
17 fast-track. I find that very curious. So, at this
18 point, I'll just say I oppose it for all those reasons.
19 I think we need to simply adopt the main motion as it
20 was. That has some expectation of achieving the
21 objective, management objective, for the year, and if
22 we want to in a more deliberative process address
23 allocation for 2012, I welcome that discussion.

24 COUNCIL COMMITTEE CHAIRMAN JACK

1 TRAVELSTEAD: Pete Himchak.

2 PETER HIMCHAK: Yes. Thank you, Mr.
3 Chairman. I support the moving ahead with an
4 addendum to address regional allocation issues. The
5 motion includes three species, all three species, and
6 to think that we're going to come up with a list, we're
7 going to address all three or just black sea bass in the
8 one plan. That should be clarified.

9 But to do all this in a three-month
10 period and get this up and running for 2011 is very
11 ambitious. And as was mentioned earlier before, I mean
12 the public participation in this process is going to be
13 very limited, and I just think we're going to rush to
14 produce something that we'll regret. So I guess I'll
15 let that comment go and then ask for a clarification.
16 Is it the addendum to the plan would only address the
17 black sea bass in 2011? Okay.

18 COUNCIL COMMITTEE CHAIRMAN JACK

19 TRAVELSTEAD: Pres, you want to put that on the
20 record?

21 PRESTON PATE: Yes, Mr. Chairman. I
22 said it would need perfection, and sure enough it
23 does. It certainly wasn't the intent to address all
24 three species. So maybe to make that clearer, we

1 could in the -- Jan, come down to about the 7th line,
2 evaluates and approve the regional specifications for
3 black sea bass. Insert the words for black sea bass
4 after specification. Down one line. Right there.
5 Regional specifications for black sea bass. Pardon me?

6 [Inaudible.]

7 PRESTON PATE: We can add that.
8 Adopt following coastwide measures for black sea
9 bass.

10 COUNCIL COMMITTEE CHAIRMAN JACK

11 TRAVELSTEAD: Okay. I think that helps. Rick.

12 RICK COLE: I guess my comment
13 kind of mirrors Dave Simpson's from a standpoint of
14 the practicality of trying to implement this, if in
15 fact, it all goes through. I do support the move to try
16 to develop regional management in this species. I
17 think it's needed. The problem that I see is that we're
18 not going to have time to do it this year. In our
19 particular case, we cannot get regulations through our
20 administrative procedures process in less than four
21 months. So if, in fact, the Commission would come up
22 with a program in late March/early April, a good part
23 of the season would be over before we could even possibly
24 try to implement new regulations.

1 I think in my mind if we go ahead with
2 coastwide recommendation, adopt that here tonight, and
3 then make the commitment to follow the Commission route
4 to address regional, but don't adopt a time line that
5 is not practical and is not something that the states
6 would be able to file for. In other words, let's don't
7 rush it. Let's give ourself a reasonable amount of time
8 to develop this addendum. That would be my suggestion.

9 COUNCIL COMMITTEE CHAIRMAN JACK

10 TRAVELSTEAD: Dave Pierce.

11 DAVID PIERCE: Yeah. I share the
12 feelings of Rick and David. In my particular state,
13 we do have new administrative requirements, and the
14 deadlines, the time lines are more extensive than
15 they used to be.

16 In addition, this is the first year of
17 our recreational fishing permit, and we've done a good
18 job, I believe, working with the industry to get that
19 permit approved and implemented for this year. It
20 implies a lot of things, such as working even more
21 closely with the recreational fishermen within our
22 state to help them understand what's going on and to get
23 their views as to what should happen. And this,
24 frankly, is going to be an allocative addendum that will

1 spark a lot of concern, I'm sure. And when we talk about
2 allocation between states, be it regional or be it
3 individual, I would want to have much more time to work
4 with our constituency. That certainly is gelling now
5 in the context of our now having this permit. So I will
6 oppose the motion.

7 COUNCIL COMMITTEE CHAIRMAN JACK
8 TRAVELSTEAD: Anyone else wish to speak to the
9 motion? Okay. I think we're ready to vote on the
10 motion to amend.

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Thank you, Mr. Chairman. Is the Council ready for the
13 question for the motion to amend?

14 (Motion as voted.)

15 {Amend to adopt the following measures for black
16 sea bass; 13" minimum fish size, 25 fish possession
17 limit, open season from 7/1 to 10/1 and 11/1 to
18 12/31.

19 These measures will remain in effect until such
20 time that the ASMFC approves an addendum to the
21 summer flounder, scup, black sea bass plan that
22 evaluates and approves regional specifications for
23 black sea bass that achieve the necessary reduction
24 in fishing mortality for 2011, at which time

1 management measures in the Federal waters will
2 revert to the status quo.}

3 COUNCIL CHAIR RICK ROBINS: All those
4 in favor please raise your hand.

5 (Response.)

6 COUNCIL CHAIR RICK ROBINS: Sixteen.
7 Opposed like sign.

8 (Response.)

9 COUNCIL CHAIR RICK ROBINS: One
10 abstention. I mean abstentions, please.

11 (Response.)

12 COUNCIL CHAIR RICK ROBINS: One. The
13 motion carries 16 to 1 to 1. Thank you. A.C.

14 A.C. CARPENTER: For the
15 Commission. All those in favor please raise your
16 hand.

17 (Response.)

18 A.C. CARPENTER: All opposed same sign.

19 (Response.)

20 A.C. CARPENTER: Abstentions.

21 (No response.)

22 A.C. CARPENTER: Null votes.

23 (Response.)

24 A.C. CARPENTER: One null vote. Can I

1 have the yes votes hold your hand up again.

2 (Response.)

3 A.C. CARPENTER: All right. The
4 motion carries 5 to 4 and 1 null vote.

5 COUNCIL CHAIRMAN RICHARD ROBINS: The
6 amended motion is now the main motion. Is the
7 Council ready for the question? All those in favor
8 please raise your hand.

9 (Response.)

10 COUNCIL CHAIRMAN RICHARD ROBINS:
11 Seventeen. Opposed like sign.

12 (Response.)

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Abstentions.

15 (Response.)

16 COUNCIL CHAIRMAN RICHARD ROBINS: The
17 motion carries.

18 (Section not recorded.)

19 A.C. CARPENTER: All those in favor for
20 the Board please raise your hand.

21 (Response.)

22 A.C. CARPENTER: All opposed same sign.

23 (Response.)

24 A.C. CARPENTER: Three. Null votes.

1 One. Abstentions. The motion carries.

2 TONI KERNS: I just need to get
3 some clarity (inaudible) on how the addendum will
4 be -- what kind of regional information or regional
5 approaches -- to me this seems like an allocation issue,
6 so I'm not sure how I can fast-track allocations for
7 those of you that are looking for fast-track
8 allocations.

9 If that is the case, I'm going to need
10 a little more clarity here. If not then I can bring back
11 an addendum, a draft addendum, at the March meeting to
12 give us more time to work out how allocation will work.

13 COUNCIL COMMITTEE CHAIRMAN JACK

14 TRAVELSTEAD: Vince.

15 VINCE O'SHEA: I think maybe
16 another alternative, Mr. Chairman, is -- we're going
17 on five o'clock now. I'm not optimistic that we're
18 going to get our best thinking in the next hour.
19 Maybe another approach would be to set a timeline in
20 the next few days to get some e-mail direction from
21 members of the Board about things they'd like us to
22 do, and then we can kind of look at that and get back
23 to you what an appropriate timeline would be to
24 document.

1 I think the bigger -- I'll wait until
2 Toni and the chairman are engaged here. I think the
3 bigger issue is the expectation of when do you
4 want -- when the Board would like something back from
5 us. I think that's -- I mean what's more important? If
6 we could get some guidance on when you'd like to take
7 final action. That would help us calibrate how indepth
8 we need to go on this.

9 COUNCIL COMMITTEE CHAIRMAN JACK
10 TRAVELSTEAD: Speaking as a member of the Board,
11 Vince, based on what I've heard around the table,
12 there was some sense of urgency. Obviously, some
13 states have long regulatory processes. It's going to
14 be very difficult for them to do anything unless we act
15 quickly.

16 And I fully understand this is going to
17 affect the public process as well. But you know, I
18 would think we'd be looking to see an addendum at the
19 March meeting for a final vote. I mean anyone else
20 could comment. But that would be one time schedule I'd
21 like you to consider to do this. I mean we clearly
22 talked about regional divisions on this, and I think you
23 just have to look at -- you know, historical catches and
24 recent catches and provide us with a series of options

1 that we can have some debate over and see where it takes
2 us. Any other thoughts? Pat.

3 PAT AUGUSTINE: Yeah, to that
4 point Mr. Chairman, I was thinking along the lines
5 of maybe two or three options using different years
6 like we did way back when we did the original
7 allocations.

8 It is an allocation, if you like it or
9 not. We're going to have to use historical catch data,
10 like it or not. And the question is: Do we go back 10
11 years, or do we go back to the last five years? Again,
12 I'd like to see two or three options.

13 And I know it's going to require an awful
14 lot of work on behalf of the staff. But we might want
15 to look at the minimum time, which would probably be the
16 last four years and a maximum time of maybe six or seven.

17 But beyond that if you get any more
18 finer, we're just asking for trouble. But I do think
19 we need to scope in and go along those lines. And,
20 Toni, I don't know how quick you would put that together.
21 Probably sometime in February/first part of March at
22 best if we're lucky and then send that information out
23 to the Board and go by telephone to start with.

24 TONI KERNS: Jack just asked for

1 an addendum to be approved for final consideration at
2 the March meeting. That means we need to have a
3 conference call or an e-mail vote to approve a draft
4 addendum for public comment sometime in early January
5 in order for that to happen.

6 COUNCIL COMMITTEE CHAIRMAN JACK

7 TRAVELSTEAD: Vince.

8 PAT AUGUSTINE: Then a few
9 reference points. The fewer options that we had to
10 deal with and deal directly with the specifics of a
11 list addendum would be the best way to go. And I
12 think we could always have follow-on conversations
13 with our members through either e-mail asking for more
14 input with recommendations.

15 Then you have to give us a deadline date
16 as to drop dead, don't ask for any more and then go from
17 there. I think that would
18 be most helpful.

19 TONI KERNS: I can give you that
20 drop-dead date right now. I would like your comments
21 no later than next Wednesday.

22 COUNCIL COMMITTEE CHAIRMAN JACK

23 TRAVELSTEAD: Vince.

24 VINCE O'SHEA: Yeah. I was

1 trying to get in here, Mr. Chairman, I think, maybe once
2 we get attention. With regard to the last speaker, I
3 think a good portion of the sting here can be eliminated
4 by considering that this would be a one-year deal. Some
5 of you around the table have
6 suggested that, and I think that would take a lot of
7 the lift out of the analysis and everything else.

8 And I think the other thing based on your
9 comments is I'm inclined to initially look at a regional
10 thing rather than a state-by-state thing. And then you
11 say it's going to be a one-year deal. Because what I'm
12 hearing is time is of the essence, and I think the more
13 temporary this arrangement is the more practical it
14 would be to do that. Thank you.

15 COUNCIL COMMITTEE CHAIRMAN JACK
16 TRAVELSTEAD: Well, I think you're definitely right to
17 look at regional. I think Pres actually even took
18 state-by-state out of the motion, so I don't know that
19 it's necessarily entirely off the table, but clearly
20 we're thinking -- most of us are thinking regional.
21 And, again, if we fail, we know where we are. We've
22 adopted a coastwide measure that achieves the goal, so.
23 Dave. Dave, go ahead.

24 DAVID SIMPSON: I don't know

1 what's left to say, huh? So we're going to
2 fast-track a major decision on allocation for black sea
3 bass. Alternatives fully flushed out by next
4 Wednesday. And this doesn't concern anyone at the
5 Commission in terms of our credibility, our
6 vulnerability to lawsuits in terms of equity and --- you
7 know, full and open public processes?

8 I'm just amazed by what transpired
9 today, given the reaction I got to what I perceive as
10 a much bigger deal on scup -- you know, just a month ago
11 from the same group. So, I guess, we'll have a partial
12 one-year regional allocation that will implement
13 sometime in the middle of 2011. In terms of public
14 credibility, I think we may hit a new low with this one.

15 COUNCIL COMMITTEE CHAIRMAN JACK
16 TRAVELSTEAD: Any further comments on scup? And I
17 think that -- Rick. I'm sorry.

18 COUNCIL CHAIRMAN RICHARD ROBINS: Just
19 with respect to the longer term question. Tomorrow
20 morning in the Executive Committee, we'll be discussing
21 priorities including the scup issue and the research
22 project, so I would suggest that we
23 consider the question of prioritizing an amendment
24 action that would include this issue in that context

1 so that we can begin to lay out a plan for that.

2 COUNCIL COMMITTEE CHAIRMAN JACK

3 TRAVELSTEAD: David.

4 DAVID PIERCE: Yeah. I know it's
5 late, Mr. Chairman. I did prepare a motion regarding
6 these research set-asides, but now I'm hesitant to make
7 that motion because of the need for us to get onto other
8 business I believe. What's next on the agenda, if I may
9 ask?

10 COUNCIL CHAIRMAN RICHARD ROBINS:

11 We have a Dogfish Committee meeting followed by a
12 Monkfish Scoping hearing, and we also have a
13 presentation on ocean observing systems next.

14 DAVID PIERCE: Well, I will not
15 make the motion because it's going to take too much
16 time to work through the details; however, I will in
17 formal correspondence to the chair or chairs actually
18 indicate what I think would be wise for both the Board
19 and for the Council to do.

20 And I actually may change my views
21 depending upon what happens with your discussion
22 tomorrow on RSA's. I think that's what you said, Mr.
23 Chairman, correct, that there will be some discussion
24 about research RSA's? Did I misunderstand you?

1 COUNCIL CHAIRMAN RICHARD ROBINS:
2 No. The discussion will be -- if I may, Mr.
3 Chairman. The discussion will be on the prioritizing
4 and scoping out the statement of work that will be
5 related to the bioeconomic analysis of the scup
6 allocation question and the related question of
7 possibly moving fish from the winter to summer periods.
8 And so we'll be discussing that in response to the joint
9 meeting that we had at the ASMFC annual meeting.

10 DAVID PIERCE: Then I think I
11 have time enough at the next Board meeting to raise
12 this issue and then to if, indeed, the Board agrees
13 with me transmit a request to the full Council for
14 similar action regarding, again, the RSA and its
15 use for purchasing scup, sea bass and fluke to
16 provide those additional fishing opportunities. I'll
17 hold off on that.

18 COUNCIL COMMITTEE CHAIRMAN JACK
19 TRAVELSTEAD: If there are no further comments, I
20 guess we're adjourned as a joint party and turn it
21 back to the Council.

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 And I would like to thank everybody for their
24 participation and input today in what was a very

1 constructive discussion. I know it was difficult,
2 but I mean it was a good day for joint management.

3 We're going to take a 10-minute break,
4 and then we'll come back and have the ocean observing
5 system update. Then we'll have the Dogfish Committee
6 meeting and the scoping hearing. We're trying to get
7 another room right now to see if we can do that
8 concurrently, and we'll keep you updated. Let's come
9 back in 10 minutes at 12 after 5. Thank you.

10 (Break: 5:02 p.m. to 5:12 p.m.)

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Come back to our seats if we could. We're going to
13 have a presentation from Jean McGovern that's an
14 overview of the Ocean Observatory's initiative, and
15 following that we have two different meetings that
16 will be ongoing.

17 One is the Joint Spiny Dogfish
18 Committee. That committee is going to meet in the
19 Courtney Room down the hall. And we also have the
20 Monkfish Amendment 6 Scoping hearing. We'll have
21 that in this room immediately after Jean's
22 presentation. Also, after Jean's presentation and
23 after this, hospitality will be in Room 1401. So, with
24 that, if you're ready, Jean, I'll go ahead and

1 welcome you and turn it over to you. Thank you very
2 much for being with us today.

3

4 OCEAN OBSERVATORY INITIATIVE

5 JEAN MCGOVERN: Okay. Thank you. I'd
6 like to thank MAFMC and all the participants for
7 allowing me to come in and speak about the Ocean
8 Observatory's Initiative, which is a very exciting
9 project that the National Science Foundation has
10 funded.

11 So, in a jovial way, ocean observing in
12 the early years was sticking your head in the water and
13 observing what's around. These days we are using more
14 current research and structure, such as research
15 vessels, highly capable research vessels. And to the
16 right is the Alvin human operated research vessel. And
17 so what the Ocean Observatory's Initiative is proposing
18 is to use fixed ocean observing arrays and bring the data
19 to shore to fill in the gaps of the long-term data sets
20 that we need in ocean observing.

21 So the science themes that the National
22 Science Foundation had funded through many years of
23 planning and many scientists involved recognized that
24 the following science themes were very important, and

1 of course, the ocean is a very complex system to
2 understand.

3 So the Ocean Observatory Initiative
4 will address these themes with specific focus on
5 ecosystem health, climate change, carbon cycling and
6 ocean acidification. This is just an example of over
7 the decade of planning that many from the academic
8 scientific community has been working on.

9 There's a series of National Research
10 Council reports, workshop reports, where the
11 understanding of the ocean and the use of ocean
12 observing systems was a recognized need.

13 And so one might ask: Why do we need an
14 ocean observatory? This is actually an audience I'm
15 speaking to today that would clearly understand this.
16 It's placement of powered sensors in the ocean enables
17 us to have a feed of data to citizens, educators, and
18 scientists. And we all know in the last 10 years
19 there's been a huge explosion in
20 technologies and satellite transmission to allow for
21 these observations to come right to our computer
22 desktops.

23 And so improved observations data will
24 improve scientific discovery decisions and education.

1 And so OOI was formed with the idea that we would place
2 sensors where the most scientifically significant
3 locations within the funded profile that we could afford
4 would allow.

5 So our project is to design, build, and
6 deploy an initial set of a network of arrays. I'll go
7 through it very soon. It was funded in September of
8 '09. It's a 386 million dollar design, build, deploy,
9 and initial operations contract -- excuse
10 me -- cooperative agreement.

11 And it's the largest investment in ocean
12 science by the National Science Foundation in the
13 history of ocean sciences. And that is with the
14 exception of our research infrastructure and our ships.
15 It's also partially funded by the Recovery Act. So one
16 of my goals today -- let's just talk about what OOI is,
17 who's involved, and where are the locations. I'm going
18 to do an overview of the science that the Ocean
19 Observatory Initiative will enable, and I'll give you
20 a high-level project status.

21 So who's involved? Essentially, all of
22 the leading oceanographic institutions in the country
23 have a piece of this project. The Consortive Motion
24 Leadership is a nonprofit that is acting as the

1 integrator.

2 Woods Hole is working on what we call the
3 coastal and global observatory. You'll understand
4 that in a few minutes. And they have a team of OSU
5 scripts, and Raytheon is supplying them engineering and
6 project management support. University
7 of Washington is going to work on the regional
8 observatory, and UC San Diego will be working the cyber
9 infrastructure. What's especially exciting for ocean
10 science and for the National Science Foundation is this
11 is the first
12 project that NSF has funded where we are funding
13 education infrastructure in parallel to the
14 infrastructure we wish to deploy.

15 So usually education is kind of an
16 add-on. Here we're integrating it into the project.
17 And that awardee is to be named very soon. And so I'm
18 going to take apart OOI and then pull it back together
19 so you understand what it is. Essentially the
20 subsystems in OOI are buoys, moorings, nodes that would
21 go on the sea floor. There will be profilers. That's
22 right there. Those are water crawling profilers that
23 will basically carry suites of sensors and climb the
24 water column on wires.

1 We'll have underwater, autonomous
2 vehicles. Many of these are currently running in the
3 Mid-Atlantic right now. Dr. Oscar Schofield has quite
4 a few of them, and he recently had a celebration where
5 he had the first cross-Atlantic venture of one of his
6 gliders.

7 So this is very exciting, taking
8 technology that is maturing every month and being able
9 to use it to observe the ocean. So, when we string all
10 these subsystems together, we call them moorings.

11 And this is just an example of in a
12 subsurface these will be the sensors that will be
13 deployed on this type of mooring. So I'm going to show
14 you how those subsystems build to moorings and those
15 moorings build to arrays.

16 So here we have a series of 10 different
17 moorings. They're in seven locations that are keenly
18 designed. So there were years and years of trying to
19 understand what are the things we should measure, where
20 should we measure it and where are the most significant
21 locations. So here is our network design. It's a
22 multiscale observatory. There are global arrays. So,
23 as I showed you before, that's what we call an array,
24 a series of moorings. There are global arrays in high

1 latitude locations, the Irminger Sea, the Gulf of
2 Alaska, the Southern Ocean and the Argentine Basin.

3 We'll have a cabled array. So there
4 will be fiber optic cable that will run from Pacific
5 City, Oregon -- we recently leased a shore station there
6 -- out, and there will be suites of sensors that will
7 examine that area.

8 That's very exciting because this fiber
9 optic cable will essentially give us a limited bandwidth
10 in power. So we'll be able to enable things like, as
11 we all saw in the Gulf, those cameras that were on the
12 bottom of the ocean. We'll be able to enable those in
13 that area.

14 And then there's coastal arrays. The
15 Pioneer Array which is in the area of the
16 Mid-Atlantic -- which is why I'm here: to inform you
17 -- and then also the Endurance Array, which is on the
18 West Coast. So just to give you an idea of the sensors.
19 There will be over 800 sensors in those various arrays,
20 and they will characterize the entire water columns.
21 So, after this presentation's over, you'll be able to
22 go to the website and see how many of the various
23 sensors. And here's how they're broken out: 47
24 percent of them will identify water column work;

1 there'll be some bottom geo and biological work,
2 characterization work, and surface and shallow water
3 work.

4 Another way to display the sensors is
5 this way. So, again, lots of sensors, significant
6 locations. Our data policy, this is something that I'm
7 extremely proud of. We're going to have free and open
8 data as near real time in the seas as possible.

9 And this is very exciting because many
10 in the fields of research usually go out and get their
11 data. Oceanography's been largely an expedition area.
12 Research function, you go and get your data, and you hold
13 your data until you publish it.

14 Here we're deploying things, and it's
15 kind of busting the whole mold of research for
16 oceanography wide open. And so, as I have been the
17 program director for the Ocean Observatory's Initiative
18 working with these large institutions, it's been a great
19 challenge to try to integrate, stitch them. And
20 coasts, the West Coast and the East Coast, they have
21 never really worked together. So oceanography is a
22 fairly young science, and collaborative science is new
23 to the researchers. Again, just to give you another
24 perspective, here it is again. And now I'm going to

1 start breaking apart. On the global scale, we'll have
2 the high latitude locations. There's four sites. And
3 we will be in a site where we will be collaborating with
4 NOAA at Station Papa. A lot of collaboration.

5 Here are the cartoons of what those
6 moorings will look like. And currently we are in the
7 phase of turning these cartoons into engineering
8 drawings, specification procurements. And those will
9 be put out on the street for procurement.

10 In the Northeast Pacific, we will have
11 a high latitude site. That's the Station Papa site.
12 And then we'll have the cabled array running out. There
13 will be three sites there. And then the Endurance
14 array.

15 What's specifically exciting in the
16 Pacific Northwest is this array and the Gray's Harbor
17 line will allow a lot of study of the hypoxia problem
18 that they've had out there. It's pretty exciting, and
19 they are extremely supportive of the project. So
20 that's the Northeast West Pacific.

21 Just to walk through, here's the cable.
22 We spent the month of July with a ship doing bithemetry
23 work, and the fishermen were on the ship with us in
24 Oregon, the Oregon Fishermen's Cable Committee. They

1 represented the fishermen to help us define where was
2 the best place to lay the cable so that we would have
3 minimal impacts. So that was very successful. We now
4 have a candidate cable laying plan.

5 So this is what will happen. An axial
6 sea mount. This is very exciting. This is the area of
7 high activity with respect to undersea volcanos. And,
8 of course, the regional scale array will also instrument
9 the Juan de Fuca Plate. So there's lots of seismic
10 activity, sunami activity of interest in the Pacific
11 Northwest.

12 In the Hydrate Ridge Region, these
13 cartoons now being brought to reality will examine a lot
14 of the gas hydrates in that area. So this area was
15 specifically picked for cable instrumentation so that
16 we can understand the long-term serious data.

17 Again, as you can see, this basically
18 says a lot of seismometers. So this is the cable that
19 will run off, and then these instruments are much like
20 ornaments on a tree. So very exciting.

21 And then I'm going to quickly go to the
22 coastal component. So, in the coastal array, this is
23 the Endurance array. This is the Grays Harbor,
24 Washington. I'm not sure if folks are familiar with

1 that area. We're going to have two cross-shelf lines,
2 one in Grays Harbor and one off Newport. I recently
3 spent a lot of time in Grays Harbor with the fishermen
4 in our public hearings and our public meetings to site
5 the locations of those moorings so that they would be
6 minimally impacted and we could work together.

7 I think that the researchers, whereas
8 most of oceanography has been about deploying things for
9 short periods of time, we plan on deploying things for
10 25 years with this network. So I think we're looking
11 to develop long-term relationships. And many of the
12 researchers, we're not all that experienced in things,
13 and we're open about that, understand that.

14 The Oregon line, which is very exciting,
15 will connect up to the cable. So it will be very
16 exciting for coastal science because we'll have
17 continuous data 24 hours a day seven days a week, and
18 we won't have to rely on the satellite telemetry for the
19 coastal data on the West Coast. Very exciting.

20 Here is just it would look like. Here's
21 the strings that will connect up to the cable that will
22 then run to Pacific City, Oregon, and then that data will
23 be available via the Internet. Again, just to wrap it
24 up, that was the -- so I went through the global

1 components, what they look like. I went through the
2 regional components and then the West Coast component.
3 This slide here just shows -- the yellow box is the user.
4 Here is the end user. The blue boxes are the marine
5 operators. That will be Woods Hole, the people who are
6 operating the sensors.

7 So it will be Woods Hole, and then it
8 will be Oregon State University and University of
9 Washington on the West Coast. University of
10 California, San Diego will be writing all of the
11 computer code to get the data from those sensors through
12 the Internet to archiving and available to the public
13 educators and citizens.

14 And so the yellow will be -- these are
15 future science proposals that may be able to be enabled
16 on our observatory. And the yellow, again, is the
17 users.

18 So I'm just going to quickly go through
19 the coastal array, and I'm going to focus a little right
20 now on the Pioneer Array because that's on the
21 mid-Atlantic Bight. So just to give you a quick
22 summary. This would be all of the data that these two
23 strings of moorings can enable 24/7.

24 This actual picture here -- I have to

1 correct myself -- is actually on the Endurance line
2 because there's your cabled array. So I faked myself
3 out. And so what I'm going to do right now is just show
4 you. Okay. Here's one sensor, the Acoustic
5 Zooplankton Sensor. So the beauty -- right now when we
6 deploy, usually we'll deploy for like three months, and
7 then you'll pull the mooring back up, and you'll get the
8 data. And so this would be the data in a 24-hour period
9 understanding where the biomass is at what time of the
10 day, zooplankton.

11 Here's what it would be in nine days.
12 Here's what it's going to be in 56 days. And what's
13 interesting scientifically will be we'll be able to
14 cross-correlate things like pH, nitrate, temperative,
15 wave height to all of the behavior of what we're
16 examining here with the zooplankton, and we're going to
17 be able to do that for 25 years.

18 It won't just be these small
19 expeditions, toss it out, drag it back up. And so we
20 are engineering something that's going to last a long
21 time. So just to give you an idea, here's what it would
22 look like. And you can see: Why is this happening?

23 It's so exciting and so significant.
24 I'm sure -- I mean you get this data all the time, I'm

1 sure, off your ships, but to see it in one place for 25
2 years and understand the
3 cross-correlation with what's going on
4 atmospherically, at the ocean floor, and all up and down
5 the water column is -- I like to believe that sometimes
6 -- and maybe it's a little visionary -- is that we know
7 a little bit more about the moon than we do our own
8 geoscience. So, of course, I'm partial. So here's the
9 Pioneer Array. It's going to be about 67 nautical miles
10 just south of Martha's Vineyard.

11 It will have moorings. It will have
12 ADP's. These boxes here they're not fishing
13 restrictions. Every time I get with fishermen they get
14 worried about that. That's not it. That's where these
15 vehicles will be traveling.

16 And the idea of these vehicles carrying
17 suites of sensors will be to extend the data. It's very
18 exciting, and I think we all understand that the
19 Mid-Atlantic Bight we've got a persistent invective of
20 cold water in a series of rivers. We've got influence
21 from the Gulf Stream. And it's a very complex frontal
22 low at that shelf break.

23 And so what the Pioneer Array is going
24 to do: It's going to set up on that shelf break, and

1 we're going to have a lot of information to understand
2 those shelf break processes. This is one depiction of
3 the various -- of the complexity of what's going on in
4 that area, frontal dynamics distinguished from the
5 transition of the cold shelf water to the warm saltier
6 water. The mechanisms of what's happening on that
7 cross-front are really largely unknown right now. And
8 so I speak for -- I was just on the phone with Dr.
9 Orkowitz from Woods Hole and asked his permission, of
10 course, to use this information. And he's actually
11 having a science workshop. We're already starting to
12 pull people in to understand: Okay, what are going to
13 be the experiments once we get this data? Okay. And
14 I'm going to show you the schedule in a little bit.

15 Ecosystem dynamics. I don't want to
16 short anyone science, but I'm going to just pushing
17 forward, I'll do it forward. The shelf slope nutrient
18 input is really exciting here. Why does this happen?

19 The processes of nutrient exchange and
20 their impacts to the ecosystems are one area where we'll
21 have -- in the Pioneer Array this array is designed for
22 a five-year deployment. It's a five-year experiment.

23 The idea was because we didn't have a lot
24 of money -- I mean we have a lot of money; 386 million

1 is a lot of money, but I mean to observe the ocean we're
2 just taking -- you know, one large step for mankind per
3 se to be precise.

4 And so what we're going to try to do is
5 to redeploy that array after five years. We're going
6 to redeploy that based on proposals from the science
7 community in the areas we think are most significant.
8 I do want to just step back really quickly. If you look
9 at the country and how we broke up the network, the Gulf
10 of Mexico did not come up as the most scientifically
11 significant area for an investment. The Mid-Atlantic
12 Bight did and the Northwest Pacific.

13 And so it's a testament to how
14 scientifically significant understanding the shelf
15 break is. Hundreds of scientists in the country got
16 together to prioritize this. And marine habitat's
17 climate connections extremely important.

18 High latitude shifts. We've got
19 salinity, phytoplankton and all sorts of shifting
20 things going on in the ecosystems. So this is the array
21 we came up with. Here's the cross-shelf. It's a north
22 shelf, cross-shelf resolution.

23 These are the AEV's and gliders. We are
24 actually going to have battery systems where we're

1 going to charge these things remotely. So we're hoping
2 to operate the autonomous vehicles continuously.

3 That's one of the areas of risk on this
4 project I will say. It may not be necessarily coming
5 out of a fully matured technology, but NSF's about that.
6 We're about taking risks and trying to push discovery.
7 So it's exciting on this project. Here are some of the
8 moorings. I'm not going to go through them all, but
9 just so that you have them for your reference. These
10 are the different types of data that will be available
11 to fishermen, citizens, anyone off the Internet 24/7
12 right here.

13 Just quickly, just to understand what
14 payloads the gliders are going to have. Now these
15 gliders, just for folks, they operate on a bladder
16 system where they have water come in, and then they dive
17 down, and then they push the water out. And they're
18 buoyancy driven.

19 And so the AEV's have propelling
20 systems. They have propelling systems on them. So
21 those will be on the Pioneer Array. Sampling rates for
22 those folks who would be interested in that. I'm just
23 going to push forward. Again, here's the Pioneer Array
24 once again.

1 I'm just going to quickly go
2 to -- okay. So, if you take that array and you put it
3 on a chart, it looks like this. And these are those
4 moorings right here.

5 Just to give you an idea, it's about a
6 30 by 10 kilometer. The sites are about 6 to 8
7 kilometers. I would think -- what's that -- 3 or 4
8 nautical miles. And the glider region is the red box.
9 The AEV region is this box. And, as you can see, this
10 is the shelf right here. So we're looking to understand
11 all of that science. Here is something if you want to
12 look it up. Again, this has the distances in between
13 each mooring. Working with the fishing community, I
14 understood that to be important. So they have trained
15 me well as to what is needed.

16 And then this is just to understand.
17 Some people don't understand the AEV's very well, so I
18 wanted to sort of indicate what kind of missions we're
19 going to be running. We're going to be running loops
20 essentially. And they'll be programmable.

21 In the gliders we're going to be running
22 paths like this. There will be six running parallel
23 back and forth just really understanding this area.
24 And then just to put it into perspective, here's Georges

1 Bank, Gulf of Maine, and then here's where the Pioneer
2 Array will be located, about 67 nautical miles south of
3 the Vineyard.

4 This is our schedule. Okay. You
5 notice 2010 is in the rear view. Essentially, OOI is
6 two years of design and buying and development,
7 prototyping one year in 2012. So we'll be finishing up
8 our designing this year, and in 2012 we'll be having a
9 massive year of building at Woods Hole. They've had a
10 huge amount of jobs -- they've hired about three a year
11 for maybe the past five years. This year they hired 30.
12 We are a recovery.gov project. You can see how many
13 jobs this project really is creating in the field. So
14 the G means the gliders will be deployed out first in
15 2012, and then the C means commissioning, and the D means
16 data.

17 So, as you can see, here's our four
18 global sites here. They're going to flow out in 2013
19 and 2014. The coastal arrays, Endurance, the West
20 Coast is going to go first in Oregon, then Pioneer. So
21 for those folks in the Mid-Atlantic, we're looking to
22 deploy the 2013, 2014 time frame, right around here.
23 And then the Washington line will go last.

24 The Regional Array, we've recently cut

1 an 89 million dollar contract with Ameripro in Santa
2 Barbara, California, and they are the awardee for the
3 cable array. It's very exciting for California.

4 And then this is the drop-down and then
5 the sensors and the moorings. University of Washington
6 will drop those in after the cable gets in. And so I
7 don't want to minimize the risk of stepping down power
8 to the bottom of the ocean.

9 It's certainly something that's
10 challenging, and we look forward to those challenges.
11 I have to say we have a great team of people, really very
12 dedicated and very capable marine engineering folks.
13 So it's exciting. So, again, this is our year one
14 activities, staffing of the team. And just you can't
15 get all these people from marine engineering. There's
16 maybe not that capacity in the country, so we've got
17 people who've built post office, multiple complex post
18 office facilities on the team. We've got Department of
19 Defense folks on the team. We've got scientists
20 working hand in hand. And so it's very exciting. And,
21 again, instrument specs this year and our environmental
22 compliance and permits.

23 So that's the Ocean Observatory
24 Initiative in a fire hose. If you have any questions,

1 please let me know. I'm happy to answer them. And I'm
2 also happy to keep you on schedule. I understand it's
3 a very important meeting. Any questions real quick?
4 Let's see. You were first down the end here. Sir.

5 PETER DEFUR: Thank you very much.
6 This is way cool especially for the geeky ones in the
7 room. Where can we get more detailed information on
8 these drawings?

9 JEAN MCGOVERN: Oh, shoot. Right
10 here.

11 PETER DEFUR: Things like how are you
12 going to measure and what are things going into it and
13 so forth?

14 JEAN MCGOVERN: Right. So this
15 website. It's the wrong color. For this thing right
16 here. This is my last slide. I forgot to show it. So
17 www.oceanobservatories.org. We have about a 200-page
18 document called the final network design. That clearly
19 describes operational scenarios. We've got all the
20 sensor lists by each array.

21 PETER DEFUR: Great.

22 JEAN MCGOVERN: So that document is
23 really a very good one.

24 PETER DEFUR: Does the zooplankton

1 sensor pick up larger things, for example fish?

2 JEAN MCGOVERN: I believe the answer to
3 that is yes. And so what's happening now is that sensor
4 will then be put out on the market, and we'll be
5 selecting that vendor. They'll have the capabilities.
6 But the answer to your question is yes.

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 Thank you, Jean. Other questions? Gene.

9 EUGENE KRAY: Thank you. Jean, what is
10 the relationship, if any, to the IOOS, Integrated Ocean
11 Observing System, and MCORA which is soon to become
12 MCOROOS here in the Mid-Atlantic?

13 JEAN MCGOVERN: That's an excellent
14 question because I did omit that, and I should have put
15 it in here. So NSF National Science Foundation, IOOS
16 is a multi-agency collaboration, and the National
17 Science Foundation's contribution to IOOS is the OOI.
18 Now, the D Mac Committee of IOOS is closely, I mean in
19 lockstep, they're on all of our design review committees
20 in the cyboptic structure. So we are very linked to
21 IOOS, and the D Mac folks are very interested and engaged
22 in our design.

23 EUGENE KRAY: Yeah. As a
24 follow-up, I intend to be at the MCORA meeting in October

1 in Hoboken, New Jersey, and they were at Stephen's
2 Institute, but the funding university through -- to fund
3 the whole project is through Rutger's University, and
4 I think (Inaudible) is also involved and Stephen's
5 Institute of Technology in Hoboken.

6 But they have an array of sites around
7 the country, and they haven't changed their name. The
8 ending part of their acronym has to be OOS.

9 JEAN MCGOVERN: OOS, yeah.

10 EUGENE KRAY: So I was wondering what
11 the relationship would be.

12 JEAN MCGOVERN: IOOS said the
13 foundation feels like that's our contribution to the
14 integrated system, but we take it very seriously to
15 integrate with NOAA because we will be partners with
16 them. In fact, I just was on the phone with PMEL, and
17 we're going to co-fund a science workshop for axial sea
18 mount this year. And the IOOS folks they work in
19 lockstep. So this project is so huge you look at like
20 the tiers of contractors. So the money flows to
21 University of California, which flows to Rutger's,
22 which flows out to the folks that you were talking to.

23 So right now I would say there's
24 probably about 50 different institutions. The network

1 contract alone has 17 subcontractors. So I meet people
2 on the Metro in D.C. who know me. So it's a large
3 project.

4 GENE KRAY: Mr. Chairman, this has
5 nothing to do with anything, but I just tried to call
6 my wife, and she was on the other phone with her
7 girlfriend, Jean McGovern, not you, just coincidental.
8 What are the odds of that happening?

9 JEAN MCGOVERN: Who knows. Yeah. Any
10 other questions? Yes, sir.

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 John.

13 JOHN BOREMAN: Yeah. This is really
14 good work, and I'm glad you're linking with the IOOS
15 program. I've been involved with that for many years.
16 I didn't see anything in there about data architecture,
17 how the information's going to be handled, how much of
18 this work -- you'd have a lot of sensors, you're going
19 to be collecting terabytes of information. I assume
20 there's an overall plan for how that data is going to
21 be assimilated, how it's going to be archived and
22 disseminated.

23 JEAN MCGOVERN: Yeah. So, if you go
24 that network design that I talked about, there's about

1 40 to 50 pages in the architecture. Most of the folks,
2 I believe, are interested in the data and the
3 information, but there's lots of architectural
4 information in that document.

5 And also that the design is happening
6 right now. So I would say the last review I was at was
7 in September. We had about 50,000 lines of code
8 written, and then eight more people got on the team last
9 week. It's a very dynamic situation.

10 We have a plan. There will be a data
11 management plan delivered to me on January 1st, and that
12 will then articulate, I think, a lot more probably of
13 what you're interested in. Because I'm very interested
14 in it as well.

15 Also, I've set up an Ocean Observing
16 Science Committee, which is an independent committee
17 that will eventually be users of this network, and so
18 this committee will then review things like the data
19 plan and provide the project with the user perspective,
20 so that we can keep getting -- making sure that the cyber
21 infrastructure matches the needs. Yes, sir.

22 JAMES FLETCHER: (Inaudible.)

23 COUNCIL CHAIRMAN RICHARD ROBINS: Come
24 up to the microphone, please, Jim.

1 JEAN MCGOVERN: There we go. That will
2 help.

3 JAMES FLETCHER: We have problems with
4 whales and sea turtles and marine mammal interacting
5 with fixed gear fishing, and we have to have break-away
6 projects and stuff like that.

7 JEAN MCGOVERN: That's right.

8 JAMES FLETCHER: Now, if you're putting
9 this in, are you in enclosed area around them, and how
10 are you going to prevent the interactions with the
11 whales and marine mammals? That's Question No. 1.

12 JEAN MCGOVERN: Okay.

13 JAMES FLETCHER: Question No. 2: Is
14 the electromagnetic fields being created by these
15 cables ran on the bottom affecting the migration of fish
16 and other marine animals? There is no cable made that
17 does not create an electromagnetic field now. Now, how
18 are you going to address that?

19 The third thing of it is: In all this
20 good stuff, are you going to be monitoring manmade
21 chemicals in the water like pharmaceuticals and
22 pesticides that are ever increasing in the ocean, not
23 just acidification, but manmade chemicals and
24 pharmaceuticals; and is this system going to monitor

1 that? That's the first question, and then go
2 backwards.

3 JEAN MCGOVERN: Okay. I'll go
4 backwards for you. That's exactly how I was doing it.
5 So, with respect to the pharmaceutical monitoring,
6 that's not currently part of the budget. You know, the
7 budget really was focused on the ocean science aspect
8 of it, but it doesn't preclude scientists who are
9 interested in studying that from providing proposals to
10 the foundation and getting that funded.

11 So we basically tried to get -- 800
12 sensors a lot of folks don't feel like that's a lot of
13 sensors when you've got the whole ocean. So that's the
14 answer to your question.

15 In terms of the marine mammal question,
16 that is extensively answered in our environmental
17 assessment document, and I can give
18 you -- that's linked right on that website as well. And
19 that has been reviewed extensively, and we have public
20 comments that we have paragraphs and paragraphs of
21 answers for you. And I think that would be best if I
22 get you that document.

23 JAMES FLETCHER: Well, not to carry on
24 a discussion, but we are told that the right whales are

1 extremely endangered, and the death of even one brings
2 us headaches. So is the death of more than one going
3 to bring you headaches and remove this? And one thing
4 I left out: The Navy wanted to put in a scientific array
5 for antisubmarine; how did you get this in for science
6 when the Navy could not get one in for defense?

7 JEAN MCGOVERN: Right. So I think the
8 answer to that lies in the acoustic response and the
9 acoustic range that the different networks are
10 operating in. So that's where that scientifically
11 stands, sir.

12 So I hope I answered your questions.
13 We're not going to be tracking pharmaceuticals in the
14 ocean, but there are processes for people to propose
15 that. Second is we have extensive documents to answer
16 your marine mammal question.

17 I think that would be best
18 served -- that's a long discussion, but in the end the
19 analysis indicated that it was acceptable to move
20 forward.

21 COUNCIL CHAIRMAN RICHARD ROBINS:

22 Thank you.

23 JOYCE STEINMETZ: Hi. I'm Jean
24 Steinmetz from East Carolina University. Thank you for

1 taking my -- it's a comment really. My area of research
2 is in deep water shipwrecks and commercial ground
3 fishing. And I'm also a diver for about 30 years along
4 the Mid-Atlantic coast.

5 So one of the things you might want to
6 think about is where there are snag nets with floats on
7 top. This is a problem for marine mammals. It's also
8 a problem for AEV travel.

9 And so you may want to do some surveys
10 and connect with the fishing community on where their
11 snags are. I'm doing some GIS work on that right now
12 mostly in the Mid-Atlantic. But there may be other
13 people that are even more proficient than I am.

14 JEAN MCGOVERN: Thank you very much. I
15 can show you some of the data that we have. We have the
16 shipwrecks all mapped around from where we are, and
17 there have been people that have worked on that. So I'd
18 like to share that data with you. Thanks.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Thanks again, Jean.

21 JEAN MCGOVERN: Thank you so much for
22 giving me this opportunity. I appreciate it.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Absolutely. Thanks for your presentation. Now,

1 Chris, we're going to move the Dogfish Committee meeting
2 into the Courtney Room, which is down the hall. Okay.
3 So are we ready to go with that? And then the Monkfish
4 Scoping hearing is going to be in this room now. Jim,
5 go ahead.

6 JAMES ARMSTRONG: Well, just we have a
7 substantial Joint Dogfish Committee. Probably almost
8 half the people in here would have to leave, so I would
9 ask that -- some of them overlap-- well, three of them
10 anyway overlap on the Monkfish Committee, and I want to
11 make sure we have a quorum.

12 Or we could -- and I don't want to
13 question authority or anything, but we can do dogfish
14 after monkfish. It's not time sensitive. Monkfish
15 sort of is since we (inaudible).

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Well, to the committee chair then, what's the pleasure
18 of the Dogfish Committee? Do you want to stay through
19 this scoping hearing before and then have dogfish in
20 here after that, or do you want to do a concurrent
21 session now?

22 RED MUNDEN: Mr. Chairman, it really
23 doesn't matter to me. If we have any committee members
24 that want to stay through the scoping session, that's

1 fine.

2 COUNCIL CHAIRMAN RICHARD ROBINS: Do
3 the dogfish members that are also interested in monkfish
4 want to stay for the monkfish here? Yes. Okay. Why
5 don't we do dogfish afterwards if we can.

6 RED MUNDEN: That's fine, Mr. Chairman.

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 We'll go ahead and move into the scoping hearing. Jim,
9 is Terry ready to go, or do we need a few minutes for
10 him to set up? All right. We'll wait for Terry.

11

12 MONKFISH SCOPING HEARING FOR AMENDMENT 6

13 COMMITTEE CHAIRMAN TERRY STOCKWELL:
14 Thank you, Mr. Chairman. I'm Terry Stockwell from
15 Maine, and as Rick said, I'm the chair of the Monk
16 Committee. Howard King is the vice chair, and at the
17 table here is Maggie Raymond, the chair of the A.P. And
18 because hour of the day I'm going to be very brief.

19 But this is the first of 10 scoping
20 meetings we're having for Monkfish Amendment 6, which
21 is the catch share amendment, prioritized by both
22 councils, the committee, and the advisory panel.

23 Following the scoping meetings, we plan
24 to convene the committee and the AP and start to shape

1 a document and come back, and we'll report to you at
2 either your February or the meeting following depending
3 how our scoping goes. So Jim's got a short
4 presentation, but otherwise, Maggie and Howard and I are
5 here to listen.

6 JAMES ARMSTRONG: Thank you, Terry.
7 Yeah. I'm not going to spend too much time on this.
8 Just trying to prime the pump and get the basic ideas
9 out there. As Terry said, we're here to listen not to
10 educate.

11 The hearing schedule is up there, a nice
12 small font for you to squint at. This is the first row
13 in that table up there, so this is our first scoping
14 meeting. It's a scoping meeting, but I think in the
15 Committee's discussion and vision for how this
16 amendment is going to evolve, scoping is a process
17 that's required under the National Environmental Policy
18 Act, but really these were kind of envisioned as
19 listening sessions where there is no preconceived
20 structure and idea about where this is going to go beyond
21 the general subject of catch shares.

22 And it's up to the participants in the
23 process, the stakeholders, to communicate back to us
24 where they stand on that general issue. Okay. So this

1 is the first scoping hearing, the first on the schedule,
2 and they're going to continue through mid-February of
3 next year. They'll stop in New Bern, North Carolina.
4 All right. So there are further opportunities for
5 people who are even present here tonight to participate
6 if they wish. Tonight's discussion we're going to
7 start out with the purpose of the hearings, why the
8 councils are considering catch shares, what are the
9 different approaches for catch shares, what are some of
10 the elements and alternatives involved in different
11 types of catch share programs, and then suggestions on
12 questions you might want to consider asking yourself and
13 then providing us with the answers.

14 So, starting out with why it's basically
15 the councils -- well, frankly, catch shares were an idea
16 that was brought up in Amendment 5, which has pretty much
17 been settled out. It hasn't been implemented yet. But
18 it was a time-sensitive amendment that was trying to set
19 tax and stuff for the next three years.

20 Because this is such a complex issue, it
21 was kicked to a subsequent amendment. So that's why
22 we're addressing it by itself in Amendment 6. Catch
23 shares could possibly improve economic performance,
24 increase business flexibility, reduce regulatory

1 burden, promote safety -- race to fish, keep catch
2 within specified limits. And bear in mind that a
3 significant portion of the monkfish fishery occurs in
4 the northern fishery management area where a lot of the
5 catch is incidental to the groundfish multispecies
6 program or multispecies fishery. Okay. And that
7 fishery is primarily under sectors now. So it's not
8 surprising that the monkfish fishery is also
9 considering some sort of catch share program.

10 Catch shares can be -- catch shares are
11 defined as the allocation of a portion of the total
12 allowable catch to either individuals, communities, or
13 cooperatives. Cooperatives are examples of sectors,
14 or sectors are examples of cooperatives.

15 What is a catch share? There we go. I
16 just said. So the allocation could be -- you know,
17 individual, group, or area based. And you want to bear
18 in mind that once you get a catch share, then you've got
19 a harvesting privilege, not a property right.

20 An individual group or some other sort
21 of set up. This is a presentation given to me by
22 somebody else, so this is not necessarily the way I do
23 business, but anyway.

24 The monkfish fishery, as you now know,

1 is managed jointly by the New England and
2 Mid-Atlantic Councils with the New England Council as
3 the lead. Because they're involved in the management
4 of this fishery, then there's a referendum requirement
5 if an IFQ-type program was to be developed, individual
6 fishery quota. And both New England Council and the
7 Gulf Council are named in the reauthorized Magnuson Act
8 as requiring a referendum for any kind of IFQ/ITQ
9 program. So, even though it's possible that a
10 different type of catch share program in the southern
11 management area could go into effect or there could be
12 different programs in the northern area or the southern
13 area, or there could be maybe no catch share program in
14 the southern area and one in the northern area.
15 Anything's up for grabs right now.

16 But the fact that
17 New England Council is involved in the management
18 triggers that requirement for the referendum. And so,
19 if an IFQ program is going to go into place, then that
20 has to be fully developed before the referendum can be
21 held, and the referendum requires for the program to go
22 forward for two-thirds of eligible voters to approve of
23 it, and eligibility is determined by the Council. So
24 it could extend to crew and captains, beyond just the

1 permit holders.

2 Of course, the thing that everybody's
3 probably the most concerned about is how the shares will
4 be allocated. Typically, these involve historic
5 landings, such as the '91 to '95 time period that was
6 used for the current limited access permits I believe.
7 And that could also involve the amount of sort of harvest
8 capacity of an individual or individual permit owner
9 through either the vessel size or something else. It
10 could be equal across the board. It could be a little
11 of this and a little of that. As I said, nothing is
12 written in stone at this point. These are just floating
13 these ideas, prime the pump, and get you thinking. I'm
14 sure you've already been doing that a lot.

15 Catch share programs involve emphasis
16 on timely catch reporting through log books, vessel trip
17 reports, other types of things that are probably used
18 by you now. Sectors are arrived at in sector reports.
19 There's increased monitoring through either vessel
20 monitoring systems, possibly electronic monitoring
21 often comes up. That's video usually.

22 A individual transferrable quota
23 system, if that was to be arrived at, allows for those
24 individual quotas to be traded. And typically, catch

1 share programs involve enhanced enforcement in order to
2 ensure that individual catch shares are being
3 adequately complied with.

4 So now we get on to just some suggestions
5 for questions to ask yourselves and share the answers
6 with us. For example, in looking at the current system,
7 do you see problems? And, if so, do you think the catch
8 shares might be a way to fix some of those problems?
9 What concerns do you have about catch shares? What
10 worries do you have about the way it might change the
11 way you do business? So, basically, what are the pluses
12 and minuses, the benefits and costs for a catch share
13 system? Allocation, like I said, usually the primary
14 issue of concern: What's your opinion on who should be
15 eligible; how should initial allocation be made; what
16 about the transfer of quota; should there be some cap
17 on how much an individual can accumulate if quotas are
18 transferred; what about new entrance into the fishery;
19 how should they be handled?

20 So any questions you can think of as we
21 move forward in exploring this issue. What sort of
22 catch monitoring do you think would be appropriate with
23 the way you operate or would operate?

24 If sectors or something like that was to

1 evolve, there's going to be enhanced monitoring. Or
2 even if it's not sectors, there's going to be enhanced
3 monitoring and administrative and enforcement costs and
4 maybe some sort of cost recovery program that needs to
5 be developed in order to deal with that. What is your
6 opinion about how that should look?

7 How should the research set-aside
8 program, which I think is fairly active in the monkfish
9 fishery, how should that be handled? It's now under
10 days at sea, and -- you know, the amount of catch is
11 calculated based on that. What about under a catch
12 share system, what do you think it would look like? And
13 so finally, last slide is just to remind you, as Terry
14 said, that after we're done with scoping -- and like I
15 said, that's going to go into February -- then the
16 Committee and advisors are going to reconvene to sort
17 of discuss the outcome and start to develop something
18 that reflects what they heard.

19 And then the Councils will in
20 cooperation with the Committee will start to develop
21 some alternatives. And then as some sort of action
22 begins to get developed, that's going to be brought out,
23 and you'll have additional opportunities for
24 participation in the development of the amendment.

1 That's it.

2 COMMITTEE CHAIRMAN TERRY STOCKWELL:

3 Thank you, Jim, for struggling through at times Phil's
4 presentation. You did a great job. Questions for Jim
5 or I about the presentation? Pat.

6 PAT AUGUSTINE: Yeah. Thank you, Mr.
7 Chairman. I kind of went ahead a little bit, and I was
8 looking at the transfer capability. First, the
9 carryover. So it's a drop-dead situation; you carry
10 over unused quota for one year to the end of the next
11 year, or is it a calendar year, or is it a running year?
12 All the quotas are issued on a calendar year, January
13 1, December 31st.

14 TERRY STOCKWELL: You're way ahead of
15 us.

16 PAT AUGUSTINE: Oh, I'm sorry. You
17 haven't gotten that far on this thing?

18 COMMITTEE CHAIRMAN TERRY STOCKWELL:

19 Well, we're here just looking -- we're looking at the
20 basic feedback on the concept altogether. We haven't
21 as a committee or the councils flushed out any of the
22 details yet.

23 PAT AUGUSTINE: Okay. Thank you.

24 COMMITTEE CHAIRMAN TERRY STOCKWELL:

1 We are talking about a fishing year, though.

2 PAT AUGUSTINE: Yes.

3 COMMITTEE CHAIRMAN TERRY STOCKWELL:

4 But I'm writing that down as one of your concerns.

5 Other questions? Ma'am.

6 TRISH CLAY: So, if only the
7 New England Council has to do a referendum and not
8 Mid-Atlantic, if a program's instituted for the entire
9 region, North and South, then does the referendum occur
10 in Mid-Atlantic also, or does it only occur in New
11 England?

12 COMMITTEE CHAIRMAN TERRY STOCKWELL:

13 My understanding is that because New England is the lead
14 council on this action, that if there's an IFQ
15 referendum for any part of the management, there needs
16 to be a referendum. We in New England have just gone
17 through a sector management program for a
18 groundfishery, and that does not require a referendum
19 process, but an IFQ program will.

20 TRISH CLAY: Thank you.

21 COMMITTEE CHAIRMAN TERRY STOCKWELL:

22 Greg.

23 GREG DIDOMENICO: This may be a
24 question for the chairman or for staff. How will this

1 issue fit into the visioning process regarding catch
2 shares in the Mid-Atlantic?

3 COUNCIL CHAIRMAN RICHARD ROBINS:

4 Greg, this issue right now is on a faster track than the
5 visioning process. So the visioning process will
6 probably take two years to complete I would estimate.
7 But scoping has already been initiated for this process.
8 So I would say they're on separate time lines, but we
9 will be moving forward with visioning in a parallel
10 venue.

11 COMMITTEE CHAIRMAN TERRY STOCKWELL:

12 Steve.

13 STEPHEN SCHAFER: Terry, is there a
14 possibility of a northern fishery management plan and
15 a southern fishery management plan where there would be
16 separate leads or completely separate fishery
17 management plans?

18 COMMITTEE CHAIRMAN TERRY STOCKWELL:

19 We essentially have that right now with the northern and
20 the southern management areas. I think this amendment
21 is ripe for comment and development, and if it seems like
22 the right thing to do, then I'm not sure the mechanics
23 of how to pull it off, but I think the Committee and the
24 AP will work with the councils to do whatever is -- you

1 know, the will of the common.

2 And if it looks like it makes sense to
3 have two separate programs, I wouldn't want to preclude
4 that option right now. But I'm not sure exactly how
5 we'd pull it off. Rick.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 Terry, has there been any discussion about the
8 referendum requirement relative to the separate
9 management units? In other words, would it be possible
10 to have the referendum for the southern FMU apply to
11 stakeholders that participate in that specific fishery
12 as opposed to having the referendum vote being made by
13 people that don't participate in that FMU?

14 COMMITTEE CHAIRMAN TERRY STOCKWELL:

15 Thank you, Mr. Chair. I think you're dancing on the
16 last question. We've posed that question to Council.
17 I don't have an answer yet, but it's certainly something
18 that the Committee is exploring. Sir.

19 KEVIN SAUNDERS: Thank you. In the
20 presentation you used the term enhanced enforcement. I
21 think that's a little bit of an understatement when we
22 move to catch shares. I know that they're implemented
23 in many places, but we're basically having fewer boats
24 fishing a large amount of time, and it makes it harder

1 for at sea (inaudible) to detect them. So I just wanted
2 to point that out.

3 I understand that there are some very
4 big positives for safety that I do like wearing my other
5 Coast Guard hat, but as far as the compliance for the
6 allocation, that's something that from a Coast Guard
7 point of view we would have a lot of trouble enforcing
8 at sea. I just want to point that out. Thank you.

9 COMMITTEE CHAIRMAN TERRY STOCKWELL:
10 Yeah. Could you come to the mic., please.

11 JAMES FLETCHER: How are you going to
12 address the inequities of groups that have been forced
13 by marine mammal acts and some turtles and some of the
14 other things to curtail their days that that they have
15 fished and the amount of kinds of monkfish that they have
16 landed to give them an equal share? It's just like the
17 trawl fishery which I represent some people in. Since
18 1990 they have been curtailed by summer flounder landing
19 quotas, days, and this that and that other. So, if you
20 come up and say we're going to base it on '98 forward
21 and they have been curtailed, and coming into more
22 modern days with the monkfish plan in New England when
23 you went to the permit categories, the boats have been
24 forced to throw over and only land their 400 pounds or

1 600 pounds or whatever it is.

2 So, if you're coming up with a catch
3 share, how do you propose to come up with an equitable
4 amount had the other regulations not been in effect?

5 COMMITTEE CHAIRMAN TERRY STOCKWELL:

6 I'll try to answer that one. That's in a good sense why
7 we're here tonight is to talk to the industry to get
8 their proposals on how we should move ahead with this.

9 Allocation wasn't in the slides that Jim
10 presented. It's going to be the key to the whole
11 program. If we can't come up with an allocation program
12 that the industry is going to support, it's not going
13 to go through the referendum process.

14 And so through these 10 scoping hearings
15 and the great amount of time we're going to be doing as
16 a committee working with the advisory panel and going
17 around again, I think we'll shape that allocation. I
18 can't even begin to guess what it's going to be at this
19 point. Erling.

20 ERLING BERG: Yeah. Thank you, Terry.
21 Maybe the question's been asked, and I wasn't listening.
22 Do we have any guidelines on the referendum: How it
23 should be conducted; who is involved; who gets to vote?
24 I mean, I know that's a big issue. So far I haven't

1 heard any answers.

2 COMMITTEE CHAIRMAN TERRY STOCKWELL:

3 It's up to the Council to determine that. Greg.

4 GREG DIDOMENICO: Terry, there are six
5 gentlemen, I think, here tonight in the monkfish fishery
6 who hold the H permit. I'm not so sure if they have a
7 lot of questions yet, but they're very much interested
8 in telling you a little bit about how their fishery
9 differs from the people above them. So I'm just
10 encouraging them to comment. But just to also tell you
11 that they're here sitting around the table.

12 COMMITTEE CHAIRMAN TERRY STOCKWELL:

13 Yeah. Thank you for that. We had our first hearing out
14 in the hall. And certainly the Committee is very aware
15 of the difference of the H category permit, and I hope
16 that as we -- and I expect as we develop this amendment
17 that you guys are going to continue to participate, and
18 we'll be able to accommodate the uniqueness of your
19 fishery into the overall plan however it moves ahead.
20 So please raise your hands and talk if you want to
21 tonight. Or if it doesn't feel comfortable, we'll be
22 back to Ocean City, and we'll be back to New Bern. Or
23 you can always e-mail the comments in. But we'd love
24 to hear from you when the time's right for you. Chris.

1 CHRIS WALKER: Yes. Would you like to
2 hear the particulars about H category comments just for
3 general information?

4 COMMITTEE CHAIRMAN TERRY STOCKWELL:
5 Yeah. Please put it on the record.

6 CHRIS WALKER: Yeah. The category was
7 given back to us after a geographical line change that
8 took our permits away. We ended up fishing below the
9 38.20, which is probably just above Ocean City. That's
10 as far north as we can go with these permits.

11 We've got an area between the 37.56 and
12 at the 38.20 that we can fish after April 15th due to
13 the turtle closure, and in North Carolina they have a
14 one-mile strip of beach there that they can fish on from
15 Wimble Shoals up to the line there, to the North
16 Carolina-Virginia line, until April 15th.

17 So we're really limited to the amount of
18 area and time according to a lot of closures or because
19 of a lot of closures. With the allocation questions and
20 who's going to get what, we were kind of worried how this
21 disadvantage would we be treated fairly in any way of
22 breaking up this quota to where we'd still have a
23 fishery.

24 We can't really use the potential -- I

1 mean the permit to the full potential that we could if
2 we had maybe a opportunity to have all of our fish and
3 catch them as we wanted to, as I guess maybe I understand
4 the catch share would work.

5 I think it would limit bycatch in some
6 respect there that you would keep your net cleaned out
7 knowing that you could land what you caught. And
8 there's already a net amount limit that you couldn't
9 exceed.

10 So there's already a cap on how much net
11 you would be fishing. Just kind of wanted to point out
12 some of the different things we do down here with that
13 permit with shorter strings in nets, shorter soak times.

14 We've got a terrible roll-up, spin-up
15 problem. We've got a lot of tide-related weather --
16 weather-related tide rather. You know, we fish around
17 a lot of stuff in this area that I don't think is really
18 in the other areas that sets this H permit apart from
19 the others. I thought maybe it would helpful to
20 recognize that fact and go according to some of that
21 instead of just by what we may have landed as a catch
22 amount allocation.

23 COMMITTEE CHAIRMAN TERRY STOCKWELL:

24 Yeah. Thanks, Chris. Just trying to really lay out

1 some of the complexity we're going to have with
2 wrestling with the allocation issues. Erling.

3 ERLING BERG: A question for the panel.
4 Do you fellahs have other permits, other fisheries that
5 you can participate in?

6 CHRIS WALKER: Yes, sir. Yeah.
7 Pretty much everything in the coast area interceptor and
8 everything going up and down. Dogfish, dogs, croakers,
9 bluefish.

10 I mean it's pretty important to explain
11 to you that our location we're catching what's coming
12 by there, and we got to pretty well be rigged up for
13 anything that comes along.

14 Granted, we don't get a long fishing
15 season, a couple months at the most. If we got a late
16 spring or if we got (inaudible) there after the harbor
17 porpoise closure in March.

18 If we got a late spring, we don't get to
19 start fishing almost 'til the closure comes into effect.
20 It give us about 20 miles to fish in. And if it warms
21 up real quick, you got to quit. So we don't really get
22 to use the permit as much we could. We would like to
23 have the opportunity to demonstrate that we could, in
24 fact, we could max this thing out pretty easy. And we

1 could show you a stock assessment in that area. It
2 would represent itself that it would be a better way to
3 go if we had to, not if we don't have to.

4 If it's industry driven, I'm all for it.
5 If it's going to be something that -- you know, just
6 another change that doesn't really represent any help
7 for us, I don't know if I can support it.

8 But tonight we're here in order to tell
9 you that we're interested in our future, and we are
10 interested in trying to solve a way that we all can be
11 happy and win.

12 That's more like a miracle than it is
13 reality. But it would nice to know if this would work
14 for us by the opportunity at least you all thinking about
15 it and thinking about the differences in permits. I'm
16 sure there's going to be a lot of headaches in this
17 process.

18 But maybe, as far as this permit goes,
19 we can probably answer your questions 'cause it's a
20 pretty closed experiment. We got all the observer data
21 you want. We got all the catch you want. We know where
22 we caught then, when we caught them. It's a pretty
23 small group of people. I know that doesn't make it any
24 simpler with all the rest to think about, but it is our

1 willing hand to be cooperative if we have the
2 opportunity. Thank you.

3 COMMITTEE CHAIRMAN TERRY STOCKWELL: A
4 follow-up?

5 ERLING BERG: To the question since
6 we're talking about catch shares and ITQ's: Are you
7 guys in favor of ITQ's? Or do you want this, or don't
8 you want it?

9 CHRIS WALKER: I think speaking for
10 them, if we had to go to something. I'm getting answers
11 from a lot of people. Yeah, it's going that way. No,
12 it's not going that way. If we had to go that way is
13 what I'm saying. That's the way we got to do it.

14 Recognizes for the worth of the permit,
15 the days, the times, the amount of weights equals such
16 and such and give us something comparable to that.
17 Because, if you go to historical catches, we don't quite
18 have the time to max that permit out to show you what
19 we're doing.

20 It's like giving us something and not
21 letting us use it. Because there's so many things
22 around there with marine mammal issues and with time
23 lines and closures, it's nearly impossible to -- I guess
24 you could use all that time, but it just seems like if

1 you had to go this way to a catch share kind of thing
2 and we got our weight and we got to catch it when we could
3 catch it, I think it would be kind of in and out. We'd
4 catch our fish, and we'd be done with it. There would
5 be a lot of concerns that I think would be addressed in
6 this, and it would be a good return kind of thing. It
7 wouldn't be bad. Some of the issues,
8 bycatch issues, fishing later in the year, things like
9 that I think you'd solve some of them problems. I mean
10 you got a lot to do, a lot of thinking about it before
11 you make any decisions.

12 But still it seems to me like my friends,
13 I mean these guys that are here with me, are in favor
14 of this if we had to go some way, if we had to go this
15 way and we would be able to do that and we would be able
16 to support that. Sound good?

17 ERLING BERG: Thank you. The reason I
18 asked is I'm a member of this committee for New England.
19 I'm also a former commercial fisherman. I spent 35
20 years on the ocean and throwing away an awful lot of
21 monkfish that wasn't worth anything when I started
22 fishing. So I mean I just want to know how you guys feel
23 about this and what your thoughts are. Thank you.

24 COMMITTEE CHAIRMAN TERRY STOCKWELL:

1 Peter.

2 PETER HIMCHAK: Yes. I don't know
3 where I sit on the issue of catch shares. It's really
4 supposed to come up from the industry, and I'm just
5 sitting here thinking, and if there are six of you in
6 Wanchese perhaps you might benefit if you all had ITQ's
7 into a community catch share. And considering that the
8 allowable catch is doubling in 2011, maybe a lot of these
9 constraints on when you can take fish you could still
10 max out your allowable catch if somebody -- what is your
11 daily trip limit now?

12 CHRIS WALKER: It's 1492 pounds I
13 think. It's a tail weight times 3 point something. It
14 comes out just a little less than 1500 pounds.

15 PETER HIMCHAK: If I can, Mr. Chairman.
16 So, if you take your catch shares by the community or
17 wherever you want to do this, and you pool it, then
18 you're not constrained by a catch limit, by a trip limit.

19 And if one of you or a couple of you can
20 really max out on a couple trips, it would seem like you
21 would all benefit in the long run. And, again, I'm not
22 trying to sell you anything. I'm giving you something
23 to think about.

24 And if you have area and seasonal

1 restrictions, when you do hit them, you could catch them
2 big time and get your community or cumulative ITQ's.
3 It's something to think about.

4 COMMITTEE CHAIRMAN TERRY STOCKWELL:
5 Jimmy.

6 JAMES FLETCHER: James Fletcher. I
7 want to set the record straight. And there a few
8 (inaudible). The only reason that these men from
9 Wanchese got their permits was a rule in a question that
10 the United National Fishermen asked in 1995 in Portland,
11 Maine of where the line stopped at the
12 Carolina-Virginia line, which was then the jurisdiction
13 of the Mid-Atlantic Council or below it.

14
15 And the reason the question was asked
16 was for the trawl boats. These men have benefited from
17 the question that was asked for the trawl boats. And
18 the trawl boats, my point earlier was that the gear
19 restrictions have stopped them from having any
20 possibility of getting a fair share of the monkfish
21 because when the Council put in the TAD rules on the
22 flounder trawls and restricted the flounder trawls to
23 a given number of trips, then you started, the Council
24 itself, started the process of eliminating monkfish

1 landings from the men that paid me to go to that meeting
2 that gave these men the quote for their allocations.

3 Now you can come up, the way I see this
4 going, and limit the trawl boats from having a
5 legitimate share of the monkfish. So the question
6 needs to be asked: Is this process going to be fair to
7 the trawl boats that have, as I brought up the first time
8 and apparently it went over a lot of heads, the gear
9 restrictions have cost them a tremendous amount of
10 income. And I can't sit here with good conscience and
11 see the trawl boats lose out. And I respect every one
12 of these men in their work to try to get them their
13 permits.

14 But I can't see that the trawl boats be
15 excluded and we are already, the trawl boats are already
16 excluded because, as I explained before, you have
17 curtailed the landings, and all of this is going to be
18 based on landings.

19 I sit here and listen to the 15 - 1800
20 pound when my trawl boats that were throwing over more
21 that that because they had a 400 pound limit. And that
22 was set up by the New England Council who was
23 intentionally or not was curtailing the landings in the
24 South.

1 So I ask you before you even talk about
2 catch shares: address what I said, the inequities of
3 how you are going to allocate it because your previous
4 regulations have restricted their landings.

5 You look back in the '85 and '90s, I paid
6 my way through college partially by cutting monkfish on
7 the deck. And I can tell you one thing: There was more
8 monkfish that came in on the trawl boats then than are
9 being landed now. So you need to go back. You've got
10 a job. And I intend if I live long enough to be right
11 there to see that the trawl boats and these men from the
12 South get a fair share, and the present system of an ITQ
13 or an IFQ or system management will not give them a fair
14 share.

15 COMMITTEE CHAIRMAN TERRY STOCKWELL:

16 Thank you. Other comments? Sir.

17 TOM BANCHISE: Just like Fletcher said,
18 we don't -- in North Carolina we're bound by the harbor
19 porpoise closure, so we can start on
20 March the 16th monk fishing, and that will go 'til April
21 the 15th, which a turtle closure comes in effect.

22 But there's also a rolling closure if
23 the water gets over 56 degrees, we have to take up and
24 leave. And like Fletcher said and Chris said, if you

1 go to a total whack off of the pie, we're going to get
2 such a little share it's not even going to be fair to
3 us.

4 And we were left out of the fishery
5 because of the geographical that Chris talked about, and
6 we waited six years to get an H permit, and that doesn't
7 allow us to go above Delaware Bay.

8 So we've only got 45 days to work at the
9 best, I mean days, not days at sea. And with the weather
10 and all, we just not -- if you whack the pie up that way
11 equally, we're going to just get left out just like we
12 did in '96 when we got left out. And also there's a
13 rolling closure when the water gets up that we have to
14 quit. And we're just so much different than the
15 northern boats. We just don't have the time to fish,
16 and we don't have the availability of the fish the whole
17 year through. Thank you.

18 COMMITTEE CHAIRMAN TERRY STOCKWELL:

19 Thank you. Drew.

20 ANDREW MINIKIEWICZ: One of the things
21 that you certainly want to consider when you're looking
22 at allocation is currently you have permits with days
23 at sea attached to them, the input controls that we're
24 managing the monkfish fishery with.

1 And is it the intention to then take
2 those who have those permits and then allocate what is
3 the overall pie to them, or are you going to bring in
4 other fisheries that now aren't currently allocated
5 days at sea but also have some monkfish catch? Are they
6 going to be allocated specific allocations, or are you
7 going to keep taking that off the top like you have in
8 the past?

9 COMMITTEE CHAIRMAN TERRY STOCKWELL:
10 Good questions. The complexity of the allocation
11 discussion we're going to have over the next year. I
12 mean different gear types, different areas, different
13 management plans, different histories, different
14 fishing seasons, protective resources, I mean it's all
15 a litany of reasons why the fleet's different from Maine
16 to North Carolina, which is why we've undertaken this
17 range of initial scoping meetings.

18 I don't have any interest, and I really
19 appreciate you all putting your input into it. I mean
20 the inequities that we've had in the past are we going
21 to fix them all? I doubt it, but we're going to work
22 darn hard to, and it's going to be your involvement
23 that's going to help us think through the details to move
24 this ahead with.

1 Because if you don't support it, this
2 amendment isn't going to go anywhere. But both
3 councils -- the reason we're here today and the reason
4 there's going to be a group of us at the other nine
5 scoping hearings is both councils have prioritized the
6 exploration of catch shares for the monk fishery, and
7 we're going to do that. And what we come up with on the
8 other end it's going to be all of our products, so.
9 Other thoughts? Sir.

10 RANDALL MORGAN: Yes, sir. My name is
11 Randall Morgan. I'm an owner/operator of two vessels,
12 and I have one with an H permit, and I also have one with
13 a Category D permit with a multispecies attached to it.
14 And I am currently with my multispecies permit I am
15 involved in Sector 11. And me being down in the South
16 with that boat, the sector part of it has been a real
17 bad taste in my mouth because I've been discriminated
18 -- I feel like discriminated on because I've been
19 imposed with fees that I've had to pay down on the
20 southern end because I'm the only boat down here certain
21 times of the year. So the fees have been thrown just
22 all on me.

23 So the bad taste of the sector deal's in
24 my mouth as far as coming to the southern region. It

1 might not be the same situation I'm in now with this
2 other boat, but from what I gather, these sectors have
3 had to be -- the government has had to step in and help
4 the sector because the sectors didn't have the money to
5 operate by their selves.

6 And what I'm seeing with the sectors is
7 the catch share is just a back door name for a sector.
8 That's all it is. And what I'm seeing is if we bring
9 that down here, are we going to have the same problems
10 that they're having up there as the government's going
11 to have to step in and pay the sector money to operate,
12 and it's going to cost the fishermen money because the
13 fishermen are going to end up having to pay for a lot
14 of the monitoring fees? At this point in time, I'm
15 having to pay \$1500 every other trip I make for a
16 dockside monitor to come monitor me. Well, if I go out
17 and I land a 1500 pound or a 1492 weight a day and I've
18 got to take \$1500 out of that to pay a dockside monitor,
19 well, you all do the math that's not leaving me with much
20 money as a trip.

21 And I'm afraid that if the sectors come
22 in this southern region, we're going to run across the
23 same type of problems, and I think it needs to be
24 addressed before we get too far into it. Thank you.

1 COMMITTEE CHAIRMAN TERRY STOCKWELL:

2 Thank you. Good point. I mean the cost of the
3 reporting, the monitoring across the board for all the
4 fisheries. And you're right. In New England through
5 the agency and Congress has been helping out the
6 groundfishery. But it's a significant expense.
7 Peter.

8 PETER HIMCHAK: Just one parting
9 comment. I mean if you had an exclusive catch share for
10 the few of you in the community and you were relieved
11 of the trip limit, okay -- I guess the only advantage
12 I can see for you is the relief of the trip limit and
13 you make fewer trips to catch X pounds of fish, then you
14 would incur fewer costs on observer coverage because
15 you'd be making fewer trips. And if you had the
16 opportunity, owners, to really, really hit it big on a
17 couple trips, then you would all benefit by maximizing
18 your quota. I'm just offering this out of food for
19 thought. And, again, it's your decision. I'm not
20 trying to make it for you. But, I mean, I see that as
21 some kind of advantage, too.

22 TOM BANCHISE: I can trust for that.
23 You said this X amount of fish. That's the reason we're
24 here. This X amount can be big, or it can be little.

1 And if the total southern region is divided up and it
2 goes back to you get a percentage of what you've landed,
3 then it gets to be X little. If the catch share deal
4 was set up to where we got equal to what our permit is
5 now, yes, sir, it would be a good thing.

6 PETER HIMCHAK: That's what I'm saying.
7 Before you get into advantages, you'd really like to
8 know what percentage of the quota you're going to get.
9 That's --

10 TOM BANCHISE: Do you want a percent of
11 a hundred dollars or ten dollars?

12 PETER HIMCHAK: If you only get a small
13 percentage, you could get it in a couple trips. I agree
14 with you.

15 TOM BANCHISE: I mean would you want a
16 percent of a hundred dollars or ten dollars?

17 COMMITTEE CHAIRMAN TERRY STOCKWELL:
18 Lee.

19 LEE ANDERSON: Well, I just wanted to
20 point out that the whole purpose of this scoping thing
21 is to find your opinion. So there may be something like
22 a sector, but that doesn't mean you have to have a
23 sector. And that's the idea. You may want to have
24 something more like the halibut fishery where it's going

1 to the individual boats. So you got to decide which is
2 best for you and make sure that as you participate in
3 these things and they get down to brass tacks, you look
4 at it and decide which one's best for you. Those
5 decisions aren't made, as far as I know. Those are the
6 things that we have to make now.

7 COMMITTEE CHAIRMAN TERRY STOCKWELL:

8 Yeah. Thanks for that. We're coming here with no
9 opinion. We're here to listen to what's important to
10 you, and we're hearing pretty clearly the needs of the
11 South are far different than my hometown. Go ahead.

12 RANDALL MORGAN: Yes, sir. What we
13 really was stressing was in the sector deal they went
14 by previous landings. I'm sure you all might have got
15 this, but we want to get this straight.

16 If you take our previous landings, there
17 was years that we were left out of the fishery. So our
18 previous landings -- like when your Board awhile ago you
19 had -- was it '91 through '95 -- we didn't even have the
20 permit in '91 and '95. So, if you went back and used
21 those landings, we wouldn't be able to show them as
22 having an H category landings. And then if you use what
23 we've done in the last few years, from the regulation
24 standpoint of it, we can't get the landings we need off

1 the days we have because we're limited on a seasonal
2 month or month and a half period. So we can't use the
3 landing standpoint neither, or we're going to basically
4 have nothing.

5 And the other thing I wanted to ask --
6 this might be a dumb question: But when they made the
7 sectors come alive in New England, wasn't it because
8 there was a stock allocation -- there was a stock
9 problem, there was a problem with the groundfish stock?

10 Well, from what I'm gathering in the
11 southern region anymore, there's not a monkfish stock
12 problem anymore. They've proven that we have the
13 stocks. There's not an issue there. So why should
14 there be a catch share if we don't have a stock problem?
15 That was the reason they made the catch share or
16 whatever, the sector deal, in New England. Thank you.

17 COMMITTEE CHAIRMAN TERRY STOCKWELL:

18 Well, there are a few more reasons than that. But be
19 that what it is. Any other comments? Maggie.

20 MAGGIE RAYMOND: I would just like to
21 urge the fishermen who attend the scoping hearings to
22 put some of their thoughts in writing if you have
23 specific recommendations on how you think an allocation
24 should be made or how you think the Category H permits

1 can be treated separately or differently than other
2 permit categories.

3 It would be really helpful for us to have
4 that in writing so that we can -- you know, have some
5 time to think about it and to talk about it in the
6 advisory panel and the committee meetings.

7 COMMITTEE CHAIRMAN TERRY STOCKWELL:
8 Mr. Chairman.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thank you, Terry. I just wanted to follow up on some
11 of these concerns that we've heard tonight. When I've
12 discussed this scoping process with the chairman of the
13 New England Council, we've talked about trying to be
14 extremely deliberate in the development process and
15 trying to include some additional opportunities to
16 really thoroughly vent the concerns that fishermen and
17 participants have related to the design of the program.

18 Whatever the outcome is, the design
19 phase is absolutely critical. So we've already heard
20 specific great detailed concerns tonight about how
21 regulatory changes in various fisheries affected the
22 ability of fishermen in the southern region to
23 participate and land monkfish in the monkfish fishery.
24 These are important concerns, but they've got a lot of

1 details and a lot of history behind them, and so we want
2 to create opportunities to really thoroughly vent those
3 considerations. And we've talked about trying to
4 augment the normal scoping and then amend the
5 development process with some workshops, for example,
6 or other more informal opportunities to get together and
7 really talk through and work through those specific
8 concerns and consideration.

9 But I just wanted to ask you all as you
10 sit here tonight: Is that something you'd be
11 interested in, in having that type of opportunity to
12 have some workshops where we really go through the
13 details and sit around the table and try to gain a really
14 detailed understanding of those things and factor them
15 into the design process?

16 CHRIS WALKER: Yeah. I agree it would
17 be very helpful to really understand -- you know, just
18 how this thing could be operated. The six permits are,
19 like I said, we're open minded about this if this is the
20 way it's got to go.

21 We just want the opportunity to make a
22 living. It's taking care of your family. It's being
23 a part of your community. It's doing what you got your
24 investment for. And these things aren't strange to

1 you. But we would like to know what the future's going
2 to hold for us and be part of it. So, yes, I would say,
3 yes, it would be very helpful to learn anything about
4 it that we could if possible.

5 COMMITTEE CHAIRMAN TERRY STOCKWELL: I
6 see a lot of shaking heads after the chairman's
7 question, and I'd be remiss in not stating that it's
8 going to take quite awhile to cook the stew. And we'll
9 be back again probably far more than once both through
10 the council process, the community process, and the
11 committee process.

12 I mean your involvement starting
13 tonight is why we're here. We're very clear intent from
14 both councils that this has got to percolate up from the
15 industry. Red.

16 RED MUNDEN: Thank you, Terry. Just
17 for the record, I would like to provide a little bit of
18 information relative to the catch history of these
19 fishermen.

20 One of the first actions that I was
21 involved in when I came on the Council in I believe it
22 was June of 1998 when the Mid-Atlantic Council approved
23 the initial monkfish fisheries management plan, and it
24 was pointed out by Jimmy Rhule at the time, who was not

1 on the Council, that these fishermen had initially been
2 told that the monkfish management unit was stopped at
3 the North Carolina-Virginia line. And they had just at
4 that time gotten into the fishery. This was back in the
5 mid-'90s. But they were told that they did not have to
6 worry about it; they would not have to come under the
7 monkfish plan. As the public hearing document was
8 developed, the southern boundary of the monkfish area
9 was moved down to Cape Hatteras. This included these
10 fishermen.

11 Ultimately, I believe I'm correct, the
12 southern boundary now is the North Carolina-South
13 Carolina border. Well, by these fishermen coming on
14 late, they missed the control date, so the Mid-Atlantic
15 Council made the decision that they needed to approve
16 the fisheries management plan in 1998, but that the
17 Council of the Mid-Atlantic should do everything they
18 could to get these fishermen into the fishery through
19 grandfathering or whatever.

20 Jimmy Rhule then joined the Council.
21 It took seven years for these fishermen to get their
22 Category H permits. Not all of them qualified. There
23 was only a handful. I believe there were six, no more
24 than eight.

1 They moved into North Carolina state
2 waters during this time period and fished for monkfish
3 because the monkfish plan does not apply to state
4 waters, and they found monkfish in state waters. They
5 were not covered by the FMP because there weren't
6 supposed to be monkfish there. So that's how these
7 fishermen have survived. They've been active in the
8 fishery for 15 years or more, and even today they're
9 limited as to where they can fish. So I wanted to
10 provide that information.

11 North Carolina runs a very small
12 month-long monkfish fishery in state waters, and as some
13 of the fellahs have mentioned, they're under very, very
14 tight restrictions. We run that fishery through a
15 cooperative agreement with the NMFS southeast region.

16 They are limited to areas in which they
17 can fish, times. We're required to have 10 percent
18 observer coverage in that fishery. And this whole
19 fishery cooperative agreement was established as a
20 result of concerns for sea turtles. And with 10 percent
21 observer coverage, I'm not aware of a single observed
22 take of a sea turtle since we started that program.

23 And there have only been a couple of
24 marine mammal interactions. One was harbor porpoise --

1 was with a harbor porpoise, and the gear was set in
2 accordance with the harbor porpoise take reduction
3 plan.

4 So, again, they don't have their catch
5 history primarily because of the restrictions that have
6 been in place and the seasons, but they have been in the
7 fishery. Thank you Terry.

8 COMMITTEE CHAIRMAN TERRY STOCKWELL:

9 Yeah. Thank you, Red. Pat.

10 PAT AUGUSTINE: Just a question, Mr.
11 Chairman. I'm wondering if the fishermen involved here
12 in the southern zone really have enough historical data,
13 or they have reported as Jimmy Rhule brought on the
14 table, he said they had been pretty much franchised out
15 of there.

16 Whether or not that information as you
17 go forward would be helpful in determining what your
18 catch shares might be if we go that way. It just seems
19 to me without having historical data, whether you fished
20 that monkfish 10 years ago or 15 years ago, some kind
21 of record that if, in fact, we got to a point in time
22 where -- as Peter said, we don't know how much you really
23 caught, what your share really was as individuals, and
24 quite frankly whether or not catch shares is the way you

1 want to go.

2 But it seems somewhere there has to be
3 some historical data, that if you're going to go
4 forward, you're really going to have to have something;
5 otherwise, you're going to be locked
6 into -- it would seem to be locked into a limited --

7 TOM BANCHISE: That's the whole process
8 of vessel trip reports and the filling out and how the
9 fish dealer reports. But we have historical data. We
10 have more landings than at the time people with the
11 permits in North Carolina because, Mr. Munden, we had
12 a state fishery.

13 At one time in a one-week period, I
14 landed more monkfish than anybody could for the whole
15 year with the permit because we were allowed in the state
16 fishery. And we had the historical data, but they just
17 wouldn't give us the permit. And with the observer
18 coverage, they had all the data of the landings.

19 PAT AUGUSTINE: Yeah,
20 Mr. Chairman. To that point, I think that's going to
21 be the data you have to have as you advance through this
22 process if, indeed, you decide to go with catch shares
23 or some other program.

24 With that as a reference point, and I

1 think it will be up to North Carolina to put their best
2 foot forward, if you will, in trying to support what it
3 is you're trying to accomplish. But without that data,
4 you're dead in the water. It sounds like you have it,
5 so that's a good start.

6 TOM BANCHISE: Between dealer reports,
7 we have the data.

8 JAMIE WESCOTT: Mr. Augustine, there
9 was a qualifying weight there that we had to meet. We
10 just didn't say, hey, we want to go monkfishing; can you
11 give us a special exemption here, like make it a H
12 permit. That didn't happen. We were fishing before,
13 and we have data. We had data before. We caught fish
14 before then. We fished a long time before that came up.

15 But it's just the fact that when they
16 exempted us out because we didn't have them with the line
17 change, we got kicked out of the fishery, so to speak.
18 It's not that we weren't fishing, and it's not that we
19 weren't catching fish. We were. It's just that it
20 didn't work out that we got a permit because we didn't
21 need a permit at the time.

22 CHRIS WALKER: But also where we were
23 jammed inside a main -- if you can picture inside of
24 three miles and outside of two miles. That's the place

1 we work. But it's not as fruitful as six miles or ten
2 miles.

3 So we don't have the opportunity to have
4 the large enough landings to get a big enough piece of
5 the pie if it's shared up through this catch share if
6 it comes out of the whole southern management area.
7 That's the point I guess we're trying to --

8 PAT AUGUSTINE: To that point, so are
9 you saying that the southern quota isn't large enough
10 to accommodate what your need would be?

11 TOM BANCHISE: Well, a larger trip
12 limit would help us. But like the boat from
13 New Jersey, it can fish anywhere in New Jersey he wants
14 to fish. I'm restricted to one mile, and the fish
15 aren't even there but just a small part of that mile.
16 I mean they're not there the whole year.

17 In other words, if you live in New
18 Jersey, you can go to the fish. We're restricted to one
19 mile, and we got to sit down and wait until the fish come
20 to us.

21 PAT AUGUSTINE: Again, it sounds like
22 you have a very reasonable argument, and you're
23 presenting it very well. I just think if this process
24 goes forward and Terry has more and more of these

1 hearings, that you keep pounding the table with that
2 information to see if you can't get some redress to back
3 you so you do get reconsideration.

4 But if information doesn't come to the
5 table and we try to pry it out of you to get it out here
6 so it will be looked at -- I just read all the questions
7 that --

8 TOM BANCHISE: If your catch shares
9 work, we work on 15 hour days; we get 20 hours, 41 or
10 43 trips out of our 22 days. We don't fish 24-hour
11 trips. We day fish. You take that and say times the
12 trip limit, then that will give you about 600 boxes of
13 fish. All right. If they'll say H category permits
14 get 600 boxes of fish, everybody in this room would say,
15 yeah, let's go for the catch shares.

16 PAT AUGUSTINE: It sounds like you have
17 a legitimate argument, and I do think there will be other
18 questions that are being asked. Will catch shares work
19 for you? Would any other scheme work for you? What
20 could you put together to ask for more quota, for eight,
21 whatever?

22 But those are the questions that I think
23 you've got to come up with, a rationale for asking for
24 more to advance that forward throughout this whole

1 process. Remember we're just at the beginning of it.
2 This is the first go at it.

3 But I remember when I first came on the
4 Council and on the Commission, we talked about monkfish
5 and Captain Rhule fought like hell to get you guys won,
6 get you included. I mean that was an out-and-out battle
7 to get you more, and it basically got overruled.

8 And I went through it. I know he and I
9 had some head-to-head conversations afterwards, and he
10 was very frustrated. But now here we are where we are,
11 and you were trying to get the same question answered:
12 Why can't we get more?

13 TOM BANCHISE: Well, I guess the thing
14 is we were left out of the original plan, and we're here
15 tonight so we don't get left out of this part of it.
16 Thank you.

17 PAT AUGUSTINE: Thank you.

18 COMMITTEE CHAIRMAN TERRY STOCKWELL:
19 Thank all of you. I'm hearing very clearly from my own
20 perspective and from the Committee's perspective about
21 the disparity of history and allocation in this area
22 both from the trawl fishery and from the Category H
23 fishermen.

24 So, really while we're here tonight, at

1 this point are there other issues that you want put --
2 I see you -- that you want to put on the table,
3 recognizing that we're going to be Ocean City and to New
4 Bern? And back again. The gentleman in the back who
5 hasn't spoken yet, first, please.

6 JOE KELLY: Yeah. I just feel that my
7 main concern is stock assessments. That's the big
8 question mark. Where are all these numbers coming
9 from, and where did these stock assessments arrive from?

10 You say there's different stock
11 assessments for the northern fishery and the southern
12 fishery. I mean we should really look into that before
13 we get too far into the process.

14 COMMITTEE CHAIRMAN TERRY STOCKWELL:
15 Thanks. Peter.

16 PETER HIMCHAK: Yes. Thank you, Mr.
17 Chairman. And I just have one other observation that
18 came up. And, again, this is a learning process for all
19 of us. But, again, if you were guaranteed a share --
20 and your big concern is how big the share is going to
21 be -- would that not be advantageous because, as you put
22 it, you have to sit and wait for the fish to come to you.

23 Well, you don't want to be waiting while
24 other people are going to the fish and gobbling up the

1 whole quota for the southern management area. So
2 that's kind of like a risk that you run by the current
3 system I think.

4 So, in that sense, you're essentially
5 guaranteeing a share of the southern management quota
6 for yourselves that nobody else can touch, because in
7 your predicament you got limited windows. And, again,
8 I'm just basing this on what you're talking about, so
9 maybe you have a counter to this, and go right ahead.

10 RANDALL MORGAN: Well, we used to have
11 to wait for the fish to come to us, and we talked earlier
12 the migration. In the North Atlantic, I mean we're
13 fishing off Massachusetts, Maine, New Hampshire.

14 They can sit anywhere and go anywhere
15 they want. The fish live there year round. I mean they
16 fish monkfish. They have day trips. They have trip
17 boats that fish all week. Even in the southern
18 management area, the New England boats that come to the
19 southern management area -- we all go to Chincoteague,
20 Virginia in the spring of the year for basically five
21 weeks. The New England boats come down; we come up;
22 everybody kind of meets in the middle and fishes because
23 that's the time of the year the fish are migrating
24 through there.

1 So we're not going to miss -- I mean
2 nobody's going to catch it all because the fish aren't
3 there. And then it's closed because of sea turtle
4 closures, the marine mammal closures. So they have to
5 wait for the fish to get there just like we do and then
6 have to leave because of the closure, the warm water,
7 the turtles show up, sharks show up, and it's all over
8 with.

9 So we're not going to miss as far as them
10 catching it before we do because they got to wait for
11 the fish just like we do. Where in North Carolina,
12 we're limited to the one mile wide strip.

13 In Virginia we can go east and west as
14 far as we want. We just can't go south. We have to be
15 above a certain line. So we have to wait for the fish
16 to migrate through the line before we can catch them,
17 and then once they go past, we're limited to Delaware
18 Bay. We can't go north and fish when other boats leave
19 and go to New Jersey and fish in the month of June. We
20 can't go. We're already limited on -- like I say, we
21 have to wait in the only ocean where we can go. I think
22 Chris has got a chart to show this.

23 CHRIS WALKER: I can show you real
24 quick.

1 RANDALL MORGAN: And we're
2 only -- in the southern management area, we're allowed
3 40 days. All monkfish permits allow 40 days at sea, and
4 we're already dropping back to 23 days in the southern
5 management area, so.

6 CHRIS WALKER: This will give you some
7 idea. This will give you some idea. This is the 38.20.
8 We got to stay below. Which it's gone to the 38.40
9 really. But 38.20. We got to fish above the 37.56,
10 right here. That's the turtle line. April 15th we got
11 to be above there.

12 RANDALL MORGAN: That's the area we
13 got.

14 CHRIS WALKER: That's the area we got
15 right here, about 20 miles we got. This is where
16 they're fishing, the width of that line right there.
17 That's North Carolina. I know you really can't see what
18 I'm pointing at here. But see this area right here?
19 There's fishy bottom. From Wimble Shoals up that deep
20 water, there's the spot you can fish. Right here,
21 here's a spot you can fish. The rest of all this right
22 here, it's not fishy bottom. That's all hard, flat,
23 hard sand. You're not going to catch no fish there.

24 RANDALL MORGAN: Out of 50 miles

1 there's 10 miles of fishable bottom in North Carolina
2 out of 50 miles. There's 10 miles.

3 CHRIS WALKER: So there's another
4 closure here from April 15th -- no -- an opening from
5 April 15 to February 15th with the start of the harbor
6 porpoise closure, so you got a month there.

7 So we're talking about a month here and
8 maybe 45 days here if you don't have some crazy weather
9 that would either make it hotter or colder or whatever,
10 a lot of northeast low or whatever. It all depends how
11 the year is going.

12 RANDALL MORGAN: It's so many
13 variables. What we're trying to express to you is that
14 we don't have the opportunity to catch and produce the
15 numbers that would give us what our potential is.

16 I don't know any other way to say it to
17 you besides that if we had our fish, we could catch them.
18 We could show you we would catch them if we had the
19 ability to do it. I know this is all preliminary. This
20 is, like Mr. Stockwell said, this is just like
21 information that we're just soaking up so we can use it
22 when we're making decisions. But our concern is that
23 you see that we don't operate in the same way as other
24 fisheries do for the same species. That's all I'm

1 trying to point out. I'm not agreeing to nothing. I'm
2 not disagreeing to nothing. I just want it to be known
3 that this is what we do. This is show we do it down here.
4 This is how we do it down South.

5 COMMITTEE CHAIRMAN TERRY STOCKWELL:

6 Thank you for the tutelage. Greg.

7 GREG DIDOMENICO: I have a quick
8 question for Chris. Chris, what would help your
9 fishery?

10 CHRIS WALKER: Well, not having a trip
11 limit would definitely help because you could most
12 likely catch whatever limit you give just by keeping
13 your gear cleaned out. And that doesn't mean there's
14 going to be an increase of gear. It doesn't mean that
15 at all.

16 What it does mean is if you're fishing,
17 say the first week of April, and your couple days sucks
18 and you're getting a limit out of say 50 nets. The most
19 I think the crowd down there fishes is about 72, and
20 that's tended every other day. All of them are all
21 fished within two days.

22 It all depends. And what it depends on
23 is if you catch your limit out of the first string,
24 you're going to be picking -- you're going to be taking

1 the fish and take your nets up and trying to regulate
2 it that way. Okay. Right there was the opportunity
3 that you could have caught, say, maybe 30 boxes, maybe
4 60 boxes, maybe a hundred boxes, and then you're going
5 to take away from your ITQ, and you're going to catch
6 your fish up way before it's a concern.

7 We're just as concerned about the
8 environment as anybody because that is exactly what's
9 going to put us out of business. We're trying to work
10 away from that period of time, and this is one way we
11 could do it if we had an opportunity.

12 I'm not agreeing. I'm not disagreeing.
13 If this thing goes this way and we have to go according
14 to an allocation, we at least want to have enough to
15 operate on and also recognize the fact that this is
16 entirely different from up the coast.

17 PAT AUGUSTINE: But I think you just
18 made the point that Peter was trying to make: That if
19 you had -- and I'm not suggesting you go to catch shares,
20 but if you do you end up with an allocation; you can put
21 as many traps out as you want; you can take as many as
22 you want a day.

23 If you want to catch your whole quota
24 that you're allocated for the whole year, you can do it

1 in a day. I'm not saying you can, but you would have
2 the option to do that.

3 TOM BANCHISE: That's what I'm saying.
4 The opportunity would be there.

5 PAT AUGUSTINE: Yeah. That's the
6 opportunity where you would not be throwing fish back.
7 You wouldn't leave the nets there. They wouldn't
8 disintegrate and be of no value. So that's one of the
9 advantages. But there are also disadvantages.

10 So, I think, looking at catch shares as
11 one of the ways you could better yourself in terms of
12 whether it's a 400, 4,000 or 10,000 pound quota a day,
13 that would be based strictly on you and what you do with
14 your marketing guy, whether he can handle whatever you
15 land.

16 The difficulty I hear you're saying is
17 you can't go out of that zone, the zone. You're trapped
18 where you are. The question is: Will you be willing
19 to travel from where you are if you could up to the higher
20 reaches of the range that you would go after monkfish.

21 Like the boats in the North come down
22 because they have the ability to be there. What are
23 they dual permitted North and South at the same time?
24 Well, can the northern vessels fish in the southern?

1 TOM BANCHISE: Yeah.

2 PAT AUGUSTINE: Well, but then the
3 question is: But you can't fish in the northern belt?
4 That's the question. So maybe one of the things you
5 should address this group is: This is our concern, and
6 what can you do to help us change that? Remember this
7 is the first scoping session, so.

8 And then with a game plan in writing, as
9 Maggie said, in writing put down what you would like to
10 see happen, and then see if you can get that concern
11 advanced forward through the steps.

12 I think you could get Red to help you
13 with some of that, I would think, because it's North
14 Carolina's concern because they are limited to the
15 scope. That's my observation. I'm just responding to
16 what you're saying, based on what we're trying to gather
17 here.

18 TOM BANCHISE: What we gather here.
19 What is going to happen if you go to a catch share?
20 You're going to make the six of us fish twice as much
21 gear, and then we're not going to be fishing responsible
22 and smart.

23 Mr. Munden said we had almost a hundred
24 percent clean record. And if you go to the catch share,

1 you're going to make us fish more gear to get our fish,
2 and then we're not fishing smart or responsible. Now,
3 you must be from up North because that's why we're in
4 this position. The northern boats came here, set
5 10,000 yards of net, left them for a week, and the crap
6 washed on the beach for two months after they left, and
7 now we have no fishery.

8 PAT AUGUSTINE: Well, just in response
9 --

10 COUNCIL CHAIRMAN RICHARD ROBINS: Pat,
11 I'm going to let Terry try to focus the scoping process.

12 COMMITTEE CHAIRMAN TERRY STOCKWELL:
13 In deference to the Dogfish Committee meeting we still
14 haven't had, Mr. Fletcher's had his hand up for about
15 the last 20 minutes. And then if anybody else has
16 anything else they want to add tonight at this point,
17 I'd love to hear it; otherwise, we're going to wrap the
18 meeting up and be back again sooner than later.

19 JAMES FLETCHER: Two things. For the
20 record, we are not talking about the black fin monkfish.
21 We are only talking about the northern monkfish, for the
22 record. Correct?

23 UNIDENTIFIED: Correct.

24 JAMES FLETCHER: Okay. Now, the

1 second thing: using your document which is an overview
2 of the New England fisheries in the
3 Mid-Atlantic, on page five, top line: Prior to the late
4 '80s, New England and Mid-Atlantic fishermen mostly
5 either discarded or sold the monkfish as shack.

6 Now, everybody in this room that knows
7 anything about fishing will tell you that shack went to
8 the fishermen, and the boat owner did not get a share
9 of it. So the question comes up: If you go to these
10 catch shares and allocation, do the crew get a
11 percentage; men that can prove by their documentation
12 that they fished on the boats that caught these fish,
13 will the crews get a share of this allocation? Can you
14 tell me the answer to that?

15 COMMITTEE CHAIRMAN TERRY STOCKWELL:
16 I'm not going to debate you at this time of the night.

17 JAMES FLETCHER: Will the crews get a
18 share?

19 COMMITTEE CHAIRMAN TERRY STOCKWELL:
20 It's going to be up to the industry, up to the councils
21 as to whether or not they want to make that part of the
22 allocation. I don't have an answer.

23 TOM BANCHISE: I would like to thank the
24 Council for the opportunity to voice, to speak tonight,

1 and we appreciate you listening.

2 COMMITTEE CHAIRMAN TERRY STOCKWELL:

3 Well, I'd like to thank you all for coming. And for
4 those of you who didn't want to speak, on page 11 of the
5 scoping document, there's a number of the different ways
6 you can comment. If you don't come to the other
7 meetings, there's an e-mail address, there's a mail to
8 the Regional Administrator, and a fax number. And with
9 that, I'm going to conclude the hearing and thank you
10 all and move on to dogfish.

11 COUNCIL CHAIRMAN RICHARD ROBINS:

12 Thank you very much, Terry. And thanks to all of you
13 who came and participated tonight. We look forward to
14 following up with you. So thank you very much.

15 At this point I'm going to look to Red
16 Munden. It's my understanding that the Dogfish
17 Committee will be very brief on the order of 20 to 30
18 minutes. And I would just look to Red and see if you
19 want to go ahead and knock that out tonight. I know we
20 do expect some snow tomorrow. So, Red, I'll leave it
21 up to you.

22 COMMITTEE CHAIRMAN RED MUNDEN: Yes,

23 Mr. Chairman, I would like to have that meeting as soon
24 as we can clear the room.

1 COUNCIL CHAIRMAN RICHARD ROBINS: Do
2 you want to reconvene in five minutes?

3 RED MUNDEN: Okay.

4 (Break: 5:10 p.m. to 5:20 p.m.)

5 COMMITTEE CHAIRMAN RED MUNDEN: I'd
6 like for the Spiny Dogfish Joint Committee members to
7 take a seat at the table, please. Would the members of
8 the Spiny Dogfish Joint Committee take a seat at the
9 table, please.

10

11 JOINT SPINEY DOGFISH COMMITTEE MEETING

12

13 RED MUNDEN: The members of the
14 committee in case you've forgotten whether or not what
15 your assignments were are: Frank Blount, representing
16 New England Council; Pat Augustine, Erling Berg, Peter
17 Himchak, Howard King, Mike Luisi, Preston Pate, and Jack
18 Travelstead.

19

20 Also John Pappilardo is a member and
21 Joel Whitley, and they are not here with us tonight. So
22 what we'd like to do is go ahead and just briefly bring
23 you up to speed on Amendment 3 to the spiny dogfish
24 fishery's management plan.

25

26 We initiated action about a year or so
27 ago to take some actions for Amendment 3 to the fisheries

1 management plan for spiny dogfish that were things that
2 we had put aside, and they were just housekeeping items.

3 So I drafted a list of action items. We
4 discussed it with New England, and put it on the back
5 burner last summer when we learned that the Atlantic
6 States Marine Fisheries Commission was considering
7 going to a different allocation scheme for quota.

8 And this came about -- and we'll touch
9 on this in a few minutes -- but this came about by the
10 harvest of spiny dogfish as the quota started increasing
11 in the southern area, and North Carolina ended up with
12 a 16 percent share of the total quota, and the states
13 from Virginia through New York shared 26 percent. So
14 last summer the state said, well, we need to investigate
15 state-by-state quotas.

16 So I talked with the chairman, I talked
17 with Chris Moore, Jim Armstrong, and we came to the
18 conclusion we should just hold off on moving forward
19 with spiny dogfish rather than addressing Amendment 3
20 at the October meeting where we were doing spec. setting
21 anyway. We would hold off until we saw what the
22 Atlantic States Marine Fisheries Commission did.

23 What I would like to do is ask Jim to give
24 a brief run-down through the three items that we have

1 listed behind Tab 6 in your briefing book. And these
2 are the things that we have talked about including in
3 the Amendment 3.

4 And then one of those will be commercial
5 quota allocations, and we'll just touch briefly on what
6 the Atlantic States Marine Fisheries Commission is
7 considering. So, Jim, if you would, please.

8 JAMES ARMSTRONG: Thanks, Red. While
9 he was talking, of course, I had the list up there of
10 the seven issues that are under consideration. This
11 has only grown over time since the amendment was -- the
12 idea of doing the amendment was first initiated. But
13 one of the purposes of having this meeting tonight or
14 possibility on a subsequent meeting if further
15 discussion is needed, was to perhaps pare a few things
16 off of here for reasons that hopefully the Committee
17 would be in full agreement on.

18 So there's seven issues. The first one
19 is to add an RSA provision. I've kind of got positives
20 and negatives whole thing. If you want to think about
21 it.

22 I can't really think about too many
23 negatives with having RSA, except when we scoped for
24 this, there was some feedback from the industry that

1 given the low value of dogfish that there's not much of
2 an incentive for auctioning part of the quota off for
3 this purpose.

4 But at the same time, it would be nice
5 if there were some way to do dogfish research through
6 some sort of program. So that's one issue. Probably
7 the thing that would most -- the simplest yet easiest
8 and most helpful thing that we could do probably fairly
9 painlessly would be to fix the disconnect between the
10 federal and the interstate FMP's in terms of the way the
11 allocation occurs with the season allocation, the
12 federal FMP that was supposed to mimic regional
13 allocation and the sort of evolving allocation scheme
14 that the Commission is pursuing, which is now regional
15 and state-by-state, not all the states, but within the
16 region some
17 state-by-state allocation is being contemplated. The
18 problem right now is that with the disconnect there when
19 part of the -- when, say, the northern region catches
20 its 52 percent and that coincides with Period 1, 52
21 percent, then the entire EZ is closed because of the
22 federal closure, and down South where they could fish;
23 although, perhaps there's not a lot of effort during
24 that period of time.

1 But they're under the ISFMP. They
2 still have quota available, but the EZ has been closed
3 so they can't access the dogfish there. So that causes
4 permit hopping, which means the
5 open-access dogfish permit is relinquished for the
6 federal plan -- is relinquished. They confine their
7 fishing to state waters, and as soon as federal waters
8 open up, they get their open-access permit again.

9 So we'd like to uncomplicate the way
10 that dogfish fishing occurs in both state and federal
11 waters to the extent possible. The six specific
12 management measures are on the list. It's something
13 that has been around for a really long time. Even tried
14 that at the initiation of the FMP. It's never really
15 caught on. It's a neat idea, but nobody seems to be
16 ready to have -- you know, very specific plans on how
17 they are going to prosecute it. There's all sorts of
18 biological benefits with a skewed sex ratio that might
19 come from it, but, again, as a practical matter, it still
20 seems like a neat idea only.

21 Limited access is one that came on
22 thinking about a dogfish stock that's rebuilt. This
23 fishery is going to stabilize. Quotas are going to
24 stabilize. Who's going to be in the fishery?

1 Fishermen who have been in the fishery historically
2 would like it to be limited.

3 Some of them would like it to be limited
4 to guys who know how to use the nets and not have
5 protected resource interactions and things that can
6 make the fishery have to be restricted unnecessarily.

7 So, on the other hand, who doesn't catch
8 spiny dogfish, so why would you want to limit access to
9 landing? Recreational fishery was proposed by a
10 recreational guy from New England at the first joint
11 committee meeting.

12 The idea here is that we're -- who knows,
13 there might be some development of recreational fishery
14 with the ACLAM requirements. We'd have to have
15 something in place if it becomes significant. I think
16 it's probably something that if it goes forward, we
17 probably wouldn't have to analyze impacts necessarily.
18 It could just be an administrative feature where we add
19 to the suite of management measures that can be
20 specified in any given year, recreational management
21 measures, and then defer the analysis of impacts to
22 whenever those kinds of specifications are considered,
23 specific specifications.

24 EFH is something that came up after the

1 PDT -- sorry. We're not on PDT's. The F met, got a
2 crack at the amendment in their kickoff meeting. EFH
3 definitions need to be reviewed every five years, so in
4 order to be consistent with Magnuson, we have to update
5 our EFH designations. Or we don't have to update them,
6 but we have to review them. So there's really no down
7 side to that that I can see.

8 And rollover of management measures,
9 this is just a provision in case the specifications
10 haven't gone through quickly enough and final roll
11 hasn't gone in and the fishing year starts and we don't
12 have a quota.

13 Well, if we put some language in the
14 plan, then whatever the status quo quota is would remain
15 in place at the start of the fishing year until it's
16 replaced by the newly specified quota. All right. So
17 that's basically all the alternatives. And then Mr.
18 Chairman mentioned the Interstate Fishery Management
19 Plan under Addendum 3 is looking at a range of options
20 for state-by-state allocation. And I can describe
21 them in general terms if you'd like. Or if you want to
22 just --

23 COMMITTEE CHAIRMAN RED MUNDEN: Do you
24 have copies of the handout?

1 JAMES ARMSTRONG: Oh, I'm sorry.

2 COMMITTEE CHAIRMAN RED MUNDEN: If you
3 would distribute that. And while Jim is distributing
4 those copies of the letter that we received from Vince
5 O'Shea just giving you the bare bones seven or eight
6 options that ASMFC's come up with for allocations of
7 quota.

8 I would like to go through the seven
9 items that Jim has just identified and give the members
10 of the committee and the Council an opportunity to
11 comment and provide guidance to the staff as to whether
12 or not you feel that these items should be included in
13 Amendment 3.

14 And if there's something that we don't
15 feel that is necessary to address at this time or no
16 longer needed, then we'll just recommend that they be
17 to the full Council that those items might be considered
18 in Amendment 3.

19 And just the first one I'd like comments
20 on is research set-aside. Most of our fisheries
21 management plans have a provision for
22 set-aside of up to 3 percent of the total quota or TAL
23 for research purposes, and spiny dogfish is one plan
24 that's lacking. Again, if any of the committee members

1 have feelings on that, we'd like to know so that we can
2 decide whether to include it in or not.

3 PAT AUGUSTINE: Are you going to want
4 motions out of every one of these or just discussion and
5 head shake that we agree or don't agree?

6 COMMITTEE CHAIRMAN RED MUNDEN: In
7 order to expedite things, I don't see a need for a
8 motion. So, if we can by consensus agree to add them,
9 then -- you would like to see this in the FMP?

10 PAT AUGUSTINE: I'd love to see that in
11 the FMP. It makes sense. The quotas and what they are
12 as Jim pointed out. Everybody catches spiny dogfish,
13 the population continues to grow leaps and bounds and
14 why not put it in there as opposed -- (inaudible) --
15 assuming they have the permit to do so.

16 COMMITTEE CHAIRMAN RED MUNDEN: Other
17 comments. Yes, Michael.

18 MICHAEL LUISI: I also think this is
19 important to include in the FMP especially if this
20 sex-specific management is something that we move
21 forward with. There's going to most likely be a need
22 for some evaluation to the impact that something like
23 that might have, and this would be a perfect opportunity
24 to get some new information regarding that.

1 COMMITTEE CHAIRMAN RED MUNDEN: Is
2 there any opposition to including it in the FMP? Rick.

3 COUNCIL CHAIRMAN RICHARD ROBINS: I
4 just wanted to ask: Has there been any interest in it
5 from the industry? Because it's my understanding that
6 there really hasn't been any market for male fish, and
7 I'm just wondering, I mean, have the processors changed
8 their position on that, or has there been any specific
9 -- have we received any additional input that would
10 support moving forward with that?

11 COMMITTEE CHAIRMAN RED MUNDEN: Now
12 we're talking about the male-only fishery, the
13 authorization to specify quotas and trip limits by sex.
14 The brief history is that when the first FMP was first
15 approved back in 2000, the members of the Spiny Dogfish
16 Advisory Panel said you couldn't separate the fish by
17 sex. Sometimes they school in mixed groups.
18 Sometimes they would separate it. But the Secretary of
19 Commerce did make available a half a million pounds of
20 spiny dogfish quota for a male-only fishery, and no one
21 really participated in that.

22 But it keeps coming up, and so we have
23 heard this several times in the past and felt like it
24 would be an option that we could possibly use in the

1 future.

2 COUNCIL CHAIRMAN RICHARD ROBINS: So,
3 just to clarify then, Red: This would simply provide
4 for the ability to establish sex-specific trip limits
5 or quotas or whatever?

6 COMMITTEE CHAIRMAN RED MUNDEN: Yes,
7 that's my understanding. James Fletcher, did you wish
8 to make a brief comment for us?

9 JAMES FLETCHER: I'm 100 percent in
10 favor of that. And it has another option. When you
11 want to reduce your bycatch discards of dogfish and you
12 don't want to target the females, it gives you an option
13 to land your bycatch of male fish.

14 But to go to the point of the Secretary
15 of Commerce, industry was not willing to gear up on a
16 half a million pounds of fish and then have the market
17 disappear. So it needs to be understood that a half
18 million pounds of fish if you're trying to develop a
19 market, it's not enough, and one year is not enough.
20 Hopefully, a
21 sex-specific management guaranteed over four or five
22 years will allow the development of the fishery. So I'm
23 100 percent in favor of that. Thank you.

24 COMMITTEE CHAIRMAN RED MUNDEN: Is

1 PRESTON PATE: Well, this might be one
2 of those matters where we need a motion just to keep this
3 thing moving because you may not be able to get consensus
4 on it. So I move that we not include this component of
5 the plan.

6 COMMITTEE CHAIRMAN RED MUNDEN: Do we
7 have a second? Second by Jack Travelstead.
8 Discussion from the Committee? Pat Augustine.

9 PAT AUGUSTINE: Yeah. Thank you, Mr.
10 Chairman. I was just concerned that it drops out of the
11 whole thing other than if we -- as a part of the preamble
12 that this is an item that came up, and not further
13 consider this at this point in time because of the amount
14 of work that it would take to go into it.

15 It just seems to me just to drop it off
16 completely as though it wasn't presented or even
17 considered I don't think that's the way to go because
18 it's been mentioned several times, whether it's the
19 right thing to do now or not.

20 I look at all of those things as some
21 necessary and others as tools in the toolbox. And
22 whether we use them right away or not is not the issue.
23 If we have to go back and for one of those line items
24 go back and create again another document that allows

1 us to do it, whether it's an addendum or framework, as
2 the case may be, you're talking about what, minimum a
3 year and a half to two years if not more. So that's my
4 thought on it, Mr. Chairman.

5 COMMITTEE CHAIRMAN RED MUNDEN: Any
6 other comments from Committee members? Jack.

7 JACK TRAVELSTEAD: I think when we
8 started this process with Amendment 3, it was, as Jim
9 said, we were really trying to fast-track something as
10 much as you can with an amendment to fix the things that
11 were out of whack with ASMFC. And so that's where Item
12 2 comes from.

13 And there may be a few others in here
14 that have to be done, like EFH. I guess there are
15 requirement that that kind of stuff has to be done. So,
16 I mean, that's why I'm in favor of the motion. Let's
17 get the easy stuff out of the way.

18 If we can keep the RSA stuff in there and
19 somebody comes along and wants to do some research to
20 prove that trip limits by sex will work, then, as Jim
21 said, we can come back and do another amendment on that.

22 But I'm just not convinced that there's
23 that much interest. I know Mr. Fletcher has been at
24 every meeting and very supportive of it, but quite

1 frankly, I just I don't hear it from other people in the
2 industry.

3 COMMITTEE CHAIRMAN RED MUNDEN: Other
4 comments from committee members? I'll recognize Greg
5 DiDomenico.

6 GREG DIDOMENICO: We support it being
7 removed from the amendment. Thank you.

8 COMMITTEE CHAIRMAN RED MUNDEN: We
9 being Garden State?

10 GREG DIDOMENICO: Yes, sir.

11 COMMITTEE CHAIRMAN RED MUNDEN: All
12 right. James Fletcher briefly. We know how you feel
13 about it.

14 JAMES FLETCHER: My point: If Louie
15 Fass was still in business -- which when they cut the
16 dogfish quota back, they ran him out of business -- you
17 would have at least somebody else here supporting it.

18 If you asked that gentleman what put him
19 out of business, it was the dogfish plan. And now he's
20 said -- I asked him the other day. He said he was too
21 old. But there are some younger people that this would
22 offer jobs to.

23 And I cannot see how you have a chance
24 to reduce bycatch by allowing the landings of males. I

1 think if you drop this out, you are not fulfilling the
2 conscience thing and by allowing bycatch and discarding
3 to go on on an item that could be sold. So by dropping
4 it out, it's my personal opinion that you are not
5 fulfilling the Council's mandate to reduce bycatch.

6 COMMITTEE CHAIRMAN RED MUNDEN: Thank
7 you, Jim. Any other comments on the motion? We have
8 a motion to delete this item from Amendment 3. Any
9 opposition to deleting this item? Seeing none, we'll
10 delete that item. Did you get that James?

11 Going back to research set-aside, was
12 there any opposition to leaving that in the document?
13 We didn't have a motion, but. Seeing none. Did you
14 want to comment on that, Greg? Please come forward.

15 GREG DIDOMENICO: Now I'm speaking on
16 behalf of the NFI's Scientific Monitoring Committee.
17 We don't really see a very good value nor likelihood of
18 being able to -- there being an interest to create
19 dogfish or to sell dogfish through the auction. So, if
20 it was removed from the amendment, we would not oppose
21 that. Thank you.

22 COMMITTEE CHAIRMAN RED MUNDEN: When
23 looking at these options today, I ran the numbers: 3
24 percent of a 20 million pound quota is 600,000 pounds.

1 So, you know, possibly someone would put in a proposal
2 and want to use that quantity of dogfish for research.
3 So, seeing no opposition to leaving it in, we will do
4 so. What I'd like to do is to skip over Item 2,
5 commercial quota allocation alternatives, and we'll go
6 into that in a little more detail after we handle the
7 items on the back page. The fourth item, limited access
8 spiny dogfish permit, any comments on that? Jack
9 Travelstead.

10 JACK TRAVELSTEAD: I'd like to suggest
11 we take that one out, in light of all of the work that
12 ASMFC is doing on at least for the southern region
13 state-by-state quotas.

14 Virginia for one has a fair amount of
15 interest in developing individual, state-based ITQ or
16 IFQ's for our fisheries. We've done it a couple of
17 times, and it seems to work fairly well.

18 If ASMFC decides we're going to get a
19 state quota for Virginia -- I suspect we might move in
20 that direction at the Virginia level -- and I'm afraid
21 this would conflict with that.

22 COMMITTEE CHAIRMAN RED MUNDEN: Would
23 you care to make a motion to delete that item?

24 JACK TRAVELSTEAD: I will so move.

1 (Inaudible.)

2 COMMITTEE CHAIRMAN RED MUNDEN:

3 Multiple seconds. Discussion on the motion to delete
4 that from the Amendment 3, which would be a limited
5 access spiny dogfish permit? I'll recognize Regional
6 Administrator, Pat.

7 PATRICIA KURKUL: Thanks. I'd like to
8 see it stay in. I think the Council needs to decide
9 whether the Commission or the Council are managing
10 dogfish because right now it's certainly not clear to
11 me.

12 We've got a federal FMP, and the
13 Commission is going down a completely different track
14 here than what's in the federal FMP. So I think sort
15 of the 300-pound guerilla in the middle of the road here
16 is who's really managing this fishery. And I think you
17 need to have some kind of discussion about that.

18 COMMITTEE CHAIRMAN RED MUNDEN:

19 Comments from the Committee members? Greg DiDomenico,
20 did you wish to make a comment?

21 GREG DIDOMENICO: Yes,
22 Mr. Chairman. We would like to see it remain in the
23 amendment. Thank you.

24 COMMITTEE CHAIRMAN RED MUNDEN: All

1 right. Michael.

2 MICHAEL LUISI: Maybe somebody can
3 clarify. The issue is limited access. The way that I
4 was looking at it was the fact that our fishermen over
5 the last four or five years every year they need to
6 relinquish their permits in order to fish in state
7 waters to get them back again. And, if that can be
8 cleared up in another way through a better connection
9 between the federal and the state plan, not worrying
10 about limited access, then if that issue can be
11 addressed with some other option, then I would support
12 leaving the limited-access issue in the amendment.

13 COMMITTEE CHAIRMAN RED MUNDEN: Based
14 on my experience with other limited access permits, once
15 you give it up, you can't get it back; you have to go
16 procure one from another individual.

17 With an open-access permit, which we
18 currently have for spiny dogfish, if you give it up, if
19 you want to fish in a state waters fishery or whatever,
20 then you reapply for it, and you get it back. Is that
21 not right, Pat?

22 PATRICIA KURKUL: Well, that's exactly
23 right, Red. But the reason that people have to do that
24 is because of this disconnect now between what's

1 happening with the federal FMP and what the ASMFC is
2 doing with dogfish.

3 If it was a single plan, if it was
4 coordinated. This is a fishery that occurs in federal
5 waters primarily, not exclusively, but primarily. If
6 there were better coordination between the Commission
7 and the Council on this, we wouldn't have to have this
8 situation where people are giving up permits and then
9 getting them back again.

10 COMMITTEE CHAIRMAN RED MUNDEN: Rick.

11 COUNCIL CHAIRMAN RICHARD ROBINS:

12 Thank you, Red. In light of these comments, it may be
13 worth leaving it in for development and discussion.
14 And I say that because, to Pat's point about
15 coordination, I don't know that we've fully thought
16 through the implications of taking it out in terms of
17 having that potential disconnect in the future if you
18 had, for example, quotas that were not aligned. You
19 could have significant issues there.

20 And yet I share some of the other
21 concerns as well because I feel at the state side,
22 because in my home state here we've already moved pretty
23 far along with limited access at the state level.

24 We have limited permits that are

1 allocated out to the fishery now, and it's functioning
2 as a directed fishery. So I appreciate that and don't
3 want to have something that's incompatible.

4 But it may be worth leaving in at least
5 for considering it as a tool toward coordination,
6 recognizing that there's already a lot of work ongoing
7 at the state level as well. So perhaps it is worth
8 development and further debate and discussion.

9 COMMITTEE CHAIRMAN RED MUNDEN: We have
10 a motion on the floor to delete this item from the FMP.
11 Any more discussion on that? Mr. Travelstead.

12 JACK TRAVELSTEAD: Just a question of
13 the staff. How much time -- if you keep this one in,
14 how much time does that add to getting Amendment 3; is
15 that a big item? a little item?

16 JAMES ARMSTRONG: I think it's a huge
17 item because it has to do with allocation. And I
18 imagine what it would end up shaking out would be some
19 sort of limited-access program and an incidental catch
20 thing because dogfish are everywhere. Right? So
21 you'd have to account for that reality.

22 Just to keep the cart behind the horse,
23 if we can straighten out the -- this is just my opinion
24 -- but if we could straighten out the allocation issue

1 and the disconnect, we could be working on Amendment 4,
2 which is exploring something on its own.

3 And the stuff that comes up that just
4 keeps things from happening wouldn't keep that
5 allocation disconnect from happening. They could even
6 be developed simultaneously. But just the work
7 involved in addressing this issue would not necessarily
8 slow down. But I would imagine it would be a
9 multi-year, development process.

10 COMMITTEE CHAIRMAN RED MUNDEN:

11 Michael.

12 MICHAEL LUISI: In your opinion, it
13 sounds to me like the disconnect needs to get resolved,
14 and then you can work on the limited-access issue. My
15 fear would be that you move towards a limited-access
16 fishery, the disconnect isn't figured out, and now you
17 have a situation where in my state fishermen won't be
18 able to relinquish and get their permits back, and then
19 they'd be out if that disconnect still exists. So maybe
20 based on the amount of time that this -- maybe it is the
21 right idea to take it out at this point and work on the
22 disconnect first.

23 COMMITTEE CHAIRMAN RED MUNDEN: Jack.

24 JACK TRAVELSTEAD: I just want to make

1 the point that I do agree with Pat in that we do need
2 to decide who's driving this bus. I mean the ASMFC is
3 very clearly full steam ahead in their efforts to manage
4 the fishery.

5 And I've been a part of that. I've
6 supported it. I support the state-by-state quotas.
7 And I think in March we're going to be adopting one of
8 those allocation options you saw up on the screen. Even
9 with all that happening, I don't think that ASMFC is
10 interested in moving away from what the Council's trying
11 to do with the fishery either. I think they are still
12 interested in moving along together; although, they see
13 some real advantages by going to state-by-state at least
14 in the southern region. But -- you know, that's -- for
15 what it's worth.

16 COMMITTEE CHAIRMAN RED MUNDEN: Other
17 comments on whether to leave this item in or take it out?
18 The motion is to remove it. Jim.

19 JAMES ARMSTRONG: I just see the other
20 things in here as barely rising to the level of an
21 amendment. I mean they could be frame-worked in. RSA
22 could be frame-worked. It was frame-worked as an
23 omnibus. The EFH could certainly be frame-worked.
24 And the rollover provision for the quota that hasn't

1 been put into place yet through final roll could be
2 frame-worked I'm sure.

3 It's just simply not -- there almost
4 aren't any impacts there. It's administrative
5 housekeeping. So this is a huge issue, and I'd be glad
6 to work on it. But in the interest of moving things
7 along, that's all I'm suggesting is it might be wise to
8 move it along on a different -- on a train going in the
9 same direction, just on a different track.

10 COMMITTEE CHAIRMAN RED MUNDEN: Other
11 comments? We have a motion on the floor. Let's go
12 ahead and call the question. All in favor of the motion
13 to remove limited access from the Amendment 3 please
14 indicate by raising your hand. This is to remove it.
15 I'm seeing two. All opposed. Six opposed. The
16 motion fails. It will stay in the document.

17 The next item will be on the second page
18 of the first document in the briefing book, recreational
19 spiny dogfish fishery. I'd ask for your comments on
20 that. Pat Augustine.

21 PAT AUGUSTINE: Yes. Thank you, Mr.
22 Chairman. It's noted here that it comprised 7 percent
23 of the total removals in 2007. Don't we have any other
24 data for previous years that we can have an average or

1 something? We have 7 percent only one time.

2 I thought maybe if we had a spread of
3 three or four or five years, that might be more precise.
4 Just for one year to have 7 percent, it's tough to make
5 a decision on that.

6 JAMES ARMSTRONG: The average is
7 slightly lower than that, maybe around 4 percent or so.
8 Don't quote me on that. I'm trying to remember. But
9 that was the maximum. So, when we say as much as, that's
10 because that's the highest it's ever been.

11 PAT AUGUSTINE: Well, to tell you the
12 truth, the mackerel recreational number that came out,
13 the numbers were all over the place, and we said, well,
14 8 percent's a good number. It's going to expand. So
15 either 7 or 8 percent. I'd suggest we keep it in there
16 and pick a number.

17 JAMES ARMSTRONG: The other thing is
18 that it's almost entirely discard mortality.

19 COMMITTEE CHAIRMAN RED MUNDEN: Frank.

20 FRANK BLOUNT: Yeah. I'm the one that
21 brought this up originally. The only reason that I
22 brought it up to be included was that if there was a point
23 in time that because of probably AM's that you were going
24 to shut down other recreational fisheries because of the

1 discard of dogfish.

2 But I mean if it's not a concern here,
3 I mean if it can be left out without a problem and just
4 keep track of it. I'm also making a mountain out of mole
5 hill, but that was the concern, that you're not going
6 to shut down another fishery because of the discard of
7 the dogfish. It wasn't fair to develop a fishery and
8 abandon --

9 COMMITTEE CHAIRMAN RED MUNDEN: Jim
10 Armstrong.

11 JAMES ARMSTRONG: In the development of
12 the omnibus ACLAM amendment, we've documented how we
13 account for recreational catch, discards and landings,
14 in the development of the commercial quota, and so any
15 overage -- so anyway, that's besides AM's for the
16 commercial fishery, since there is no real significant
17 recreational fishery. In trying to achieve Target F
18 recreational landings, the recreational catch is taken
19 account in addition to any AM's. So I think it's been
20 dealt with.

21 FRANK BLOUNT: That was mentioned prior
22 to that amendment, so I think you can probably -- I think
23 it can go away.

24 COMMITTEE CHAIRMAN RED MUNDEN: So

1 what's the pleasure of the group? Michael. Erling, do
2 you want to desire to make a motion to leave it or take
3 it out?

4 FRANK BLOUNT: I make a motion we remove
5 recreational fishery from consideration for this
6 amendment.

7 COMMITTEE CHAIRMAN RED MUNDEN: We have
8 a motion to remove the recreational spiny dogfish
9 fishery from the FMP. Do we have a second? Second by
10 Pat Augustine. Discussion? Erling.

11 ERLING BERG: Well, I don't know if this
12 matters or not. We did have at one of our New Jersey
13 Fisheries Council meetings we did have one fellah that
14 came up and said he does take people out to fish for spiny
15 dogfish recreationally. He was the only one that I ever
16 talked to. Apparently, there are somebody doing it.

17 COMMITTEE CHAIRMAN RED MUNDEN: Other
18 comments? The motion is to remove Item 5, recreational
19 spiny dogfish, from the Amendment 3. Any opposition to
20 that motion? Seeing none, we will remove that. The
21 next item is essential fish habitat.

22 PAT AUGUSTINE: (Inaudible.)

23 COMMITTEE CHAIRMAN RED MUNDEN: Pardon
24 me?

1 PAT AUGUSTINE: It appears that has to
2 be in there because you have to update, Red.

3 COMMITTEE CHAIRMAN RED MUNDEN: That's
4 what I thought you said. Any opposition to -- well, do
5 I have a motion? Just making a motion.

6 PAT AUGUSTINE: Yes. I'll move. I'll
7 move we keep it in.

8 COMMITTEE CHAIRMAN RED MUNDEN: Second
9 to the motion? Motion by Pat Augustine. Seconded by
10 Erling Berg. Any comments on the motion? Any
11 opposition to the motion? Seeing none, essential fish
12 habitat designations will be a part of Amendment 3. And
13 the last item on this page is
14 Item 7, rollover of annual management measures. Any
15 discussion on that? Jack.

16 JACK TRAVELSTEAD: Keep it in. Keep it
17 in.

18 COMMITTEE CHAIRMAN RED MUNDEN: Is that
19 a motion?

20 JACK TRAVELSTEAD: I think it's a minor
21 technicality really it seems to me.

22 COMMITTEE CHAIRMAN RED MUNDEN: Jack,
23 is that a motion?

24 JACK TRAVELSTEAD: That's a motion.

1 COMMITTEE CHAIRMAN RED MUNDEN: Do I
2 have a second?

3 CHRIS MOORE: That's a second.

4 HOWARD KING: You have a second.

5 COMMITTEE CHAIRMAN RED MUNDEN: Second
6 by Chris Moore and Howard King. Any discussion on the
7 motion? Any opposition to the motion? Seeing none,
8 that will stay in.

9 The last thing I'd like to do is to go
10 back to the action Item No. 2, commercial quota
11 allocation alternatives. As I said earlier, the
12 Atlantic States Marine Fisheries Commission is moving
13 forward with various proposals for allocation of the 42
14 percent of the spiny dogfish quota that the southern
15 states receive.

16 And one thing that's very problematic
17 for management of spiny dogfish is that, as Pat Kurkul
18 pointed out, we have a disconnect, but we have a major
19 disconnect in that the Council plan still goes with a
20 seasonal allocation of the quota, May 1 through October
21 for 58 percent and November through April for 42
22 percent; and ASMFC has gone to a regional allocation
23 that's not linked to any particular time. So I'd like
24 to have some discussion from the Committee members as

1 to what your pulse are relative to what we currently have
2 in the Council plan. Are you satisfied with the
3 seasonal or prefer to go with something different or
4 eliminate it altogether? Mr. Augustine.

5 PAT AUGUSTINE: Thank you,
6 Mr. Chairman. I think we should be consistent as long
7 as we have the flexibility to do it. ASMFC has moved
8 quite a long ways in the process. And unless it's going
9 to create a major problem for the Council, I just think
10 we should go ahead and move from the periodic allocation
11 to the regional quota allocation.

12 Unless, we added that as a separate
13 where it would be appropriate for the Council to either
14 use a periodic allocation or regional allocation
15 similar to what we're trying to do with spiny dogfish
16 where we're trying to create -- I'm sorry -- with summer
17 flounder where we're trying to create a rollover scheme
18 -- a regional scheme.

19 It's just another tool in the toolbox.
20 If we take one out and only leave one in and somewhere
21 down the road ASMFC changes to go back to the other way,
22 then I think we're caught. So I don't know if it's
23 doable to keep them both in. Leave it as a periodic
24 allocation or regional allocation.

1 COMMITTEE CHAIRMAN RED MUNDEN: Is that
2 a motion?

3 PAT AUGUSTINE: That's a motion, Mr.
4 Chairman.

5 COMMITTEE CHAIRMAN RED MUNDEN: Do we
6 have a second? Second by Pete Himchak. So would you
7 go through that once again slowly, so Jim Armstrong can
8 make good notes on that.

9 PAT AUGUSTINE: I'm just going to take
10 your words in Line No. 4. Include in the Council's plan
11 Amendment 3, that you could either use a periodic
12 allocation, which is in there now, and make it and/or
13 a regional allocation quota so if ASMFC goes one way or
14 they go the other way.

15 It's just another tool in the toolbox
16 that we don't have to create another addendum or make
17 a change. Is that clear, Jim? It's just adding the
18 regional allocation as an option.

19 COMMITTEE CHAIRMAN RED MUNDEN: Jim.

20 JAMES ARMSTRONG: I think that the
21 Committee tonight is just addressing whether to keep
22 that general issue in the amendment or not, and it sounds
23 to me like that would almost be one of the alternatives
24 under that amendment: One would be to go purely

1 seasonally; one which would be status quo; one would be
2 regionally; one would be both, as you suggest; and
3 another would be to not specify, not to allocate, but
4 just to have a coastwide quota. So it just sounds more
5 like what you're proposing through that motion is too
6 specific to that issue.

7 PAT AUGUSTINE: Well, the way you
8 described it, could you capture that in the document?
9 See, I'm concerned if we don't have flexibility and that
10 the document as it states right now really doesn't
11 accommodate a regional allocation scheme. And that's
12 why I believe it's here.

13 JAMES ARMSTRONG: What I would do: I
14 would take away that we're going to address allocation
15 and then the Committee would meet subsequently to
16 develop alternatives under that issue and that what
17 you're proposing could be one of those alternatives.

18 PAT AUGUSTINE: I understand it as
19 development as another option. Is it a separate line
20 item? I want it to be together. I want both of them
21 to be this option or that option. You want to break it
22 out as this option or this option?

23 Oh, it would be in the document as you
24 could take this option or that. We're saying the same

1 making that as a substitute motion?

2 JACK TRAVELSTEAD: Yes.

3 COMMITTEE CHAIRMAN RED MUNDEN: Okay.

4 Do I have a second? Pete.

5 PETER HIMCHAK: Well, I think Jack and
6 Pat are saying the same thing, but Pat's taking it a step
7 farther and essentially listing the alternative.
8 That's what I got from Jim. So, basically, I think
9 they're both in agreement that we want this issue in
10 Amendment 3, period.

11 COMMITTEE CHAIRMAN RED MUNDEN: And I
12 would say I agree with you, so we don't need a substitute
13 motion if Mr. Travelstead would be willing to remove
14 that because we will have an option to leave the seasonal
15 allocation or an option to go with geographic --
16 regional or geographic, and whichever one the Council
17 selects will eliminate the other. Any comments on
18 that? Greg DiDomenico.

19 GREG DIDOMENICO: We support removing
20 the issue of state-by-state allocations from the
21 document. That's something we're just not in favor of
22 at all. New Jersey, I think, will probably not fare
23 very well by a state-by-state allocation under -- well,
24 probably not any of those options, but. So we prefer

1 and would support that it's removed from Amendment 3.
2 Thank you.

3 JACK TRAVELSTEAD: And it's my
4 understanding at least based on the action that ASMFC
5 has taken, a region can be one state; it can be multiple
6 states. So, if we go with the recommendation that we
7 go as an option regional allocations, that could be
8 subdivided if the decision were made to do so.

9 COMMITTEE CHAIRMAN RED MUNDEN: Other
10 discussion on the motion? Any opposition to the
11 motion? Seeing none, then we will instruct the staff
12 to put those options in the Amendment 3.

13 Other issues to come before the joint
14 committee? Seeing none. Jim Armstrong.

15 JAMES ARMSTRONG: I know nobody wants
16 to get out of here. I'm driving home to Dover tonight,
17 so I don't really want to leave. Just one other thing,
18 MSC came and interviewed -- I don't know who else here
19 got interviewed by the Marine Stewardship Council, but
20 they -- it wasn't them, but they contract with Moody
21 International, and this is their clients are
22 processors, the three extant processors of dogfish that
23 are in Massachusetts.

24 And they're certifying their units of

1 certification that they're reviewing so that -- you
2 know, products harvested in those states geared
3 combination, either federal -- under the federal --
4 well, from federal waters or state waters, would get
5 that MSC stamp, which would then for the export market
6 -- you know, probably move a lot better. Okay. And so
7 I just bring that up. There's a limited number of
8 states that are being certified. Okay. They're
9 listed up here: Maine, New Hampshire, Rhode Island,
10 Massachusetts; of course, New Jersey, Virginia and
11 North Carolina. So, if your state isn't on that list,
12 you can't put the sticker on your box. But,
13 nevertheless, it's happened, and they're probably in
14 the spring they're going to coordinate their people.

15 And if it gets certified, it might be
16 summertime, July or so, when it goes through. But that
17 could really free up the export markets, according to
18 what we've heard. So just some information for you on
19 the dogfish fishery and things that are coming up.

20 PAT AUGUSTINE: How come New York is not
21 on the list? It says the region of the seven states:
22 Maine, New Hampshire, Massachusetts, Rhode Island.

23 JAMES ARMSTRONG: Well, the clients
24 requested these gears and jurisdictions and state

1 combinations. And if certification of other states was
2 to occur, that would be a separate process.

3 COMMITTEE CHAIRMAN RED MUNDEN: Other
4 issues for the Dog Committee? Jack.

5 JACK TRAVELSTEAD: In light of the
6 decision to keep the limited-access issue in Amendment
7 3, I think this will play heavily on ASMFC's decisions
8 on state-by-state quotas. So I would suggest, Mr.
9 Chairman, that you be at that March ASMFC meeting to sort
10 of spread that word that the Council looks like they're
11 moving forward with some limited-access program. I
12 don't know how it will play out, but I think that there
13 might be questions about that at ASMFC.

14 And, again, I don't know at some point
15 it seems to me we might want to have a joint meeting with
16 ASMFC, in light of Pat's concerns to figure out: Are
17 we starting to do this, or what?

18 COMMITTEE CHAIRMAN RED MUNDEN: I plan
19 to attend the March meeting -- I think it's March -- of
20 ASMFC, and also I'll be prepared to explain to the Board
21 what this joint committee has done. Any other issues
22 to come before the Committee? Seeing none, then the
23 joint committee meeting is adjourned.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Red,

1 just a reminder we'll start Executive Committee at eight
2 o'clock, and hospitality is in 1401. And thank you all
3 for a long day, but a good day. Thanks.

4

5 WHEREUPON:

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7 THE MEETING WAS SUSPENDED AT 8:10 P.M.

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

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In witness whereof, I have set my hand and Notary Seal this 22nd, day of January, 2011.

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MID-ATLANTIC FISHERY MANAGEMENT COUNCIL
800 North State Street, Suite 201
Dover, Delaware 19901-3910

COUNCIL MEETING

15-16 DECEMBER 2010

at

Hilton Virginia Beach Oceanfront Hotel
3001 Atlantic Avenue
Virginia Beach, VA 23451

THURSDAY, DECEMBER 16, 2010

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1 [9:38 a.m.]

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INTRODUCTIONS AND ANNOUNCEMENTS

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LISTING OF ATLANTIC STURGEON

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COUNCIL CHAIRMAN RICHARD ROBINS: Good morning. Let's go ahead and get started. I'd like to introduce Russ Bohl. Russ is going to be giving us an update on an item that I know is of great interest to many of you with the potential listing of the Atlantic sturgeon. So welcome, Russ.

RUSSELL BOHL: Just a couple disclaimers before I begin. I'm going to actually be working mostly off of a script because there's a lot of information, and I don't want to ramble about things that aren't pertinent. So that's why you'll see me looking at my paper quite a bit.

Another thing is that I'm probably the third most qualified person from just our office to give this talk, so I apologize at the end if there are questions that I'm not equipped to answer, but I will have a contact slide for the two people that are more qualified from our office, and I'll refer you to them if I can't answer something sufficiently or if you have

1 follow-up questions that might be too indepth for me.

2 So my name is Russ Bohl. I work for the
3 National Marine Fishery Services Protected Resources
4 Division in Gloucester, Massachusetts. I'm here to
5 speak with you about the proposed listing of Atlantic
6 sturgeon under the Endangered Species Act which
7 published in October. Before I talk about the listing
8 specifically, I want to go over some of the basic life
9 history traits of Atlantic Sturgeon as well as the
10 species distribution and some of the pertinent
11 management history.

12 So Atlantic sturgeon occur from the St.
13 John River in Canada to the St. Johns River in Florida.
14 They're large up to 14 feet 800 pounds. They can live
15 up to 60 years, and they do not mature to spawn until
16 five years old or more, and their time to maturity varies
17 widely in relation to the latitude of their natal river
18 with southern fish maturing faster than northern fish.

19 For those that are not aware, Atlantic
20 sturgeon are anadromous, spending the majority of their
21 life cycle in marine and estuarine habitats and then
22 conducting long migrations to return to their natal
23 rivers for spawning.

24 An important characteristic of their

1 life history is that adults and subadults mix
2 extensively in the marine environment and Atlantic
3 sturgeon winter in bays and estuaries of nonnatal
4 rivers.

5 One important characteristic that's not
6 listed on this slide is that unlike many species
7 individual adults do not spawn every year. Males will
8 spawn maybe every year, but it could be up to every five
9 years, and females will spawn every two to five years.
10 Historically, Atlantic sturgeon were present in nearly
11 every major river along the coast, and they spawned in
12 at least 35 different rivers throughout the range;
13 however, following significant fishing pressure in the
14 mid- to late 1800s in concert with industrial and
15 population growth, the species appears to spawn now in
16 20 rivers.

17 It's interesting to note that only four
18 of the known spawning rivers occur north of the
19 Virginia-North Carolina border, those being the
20 Kennebec, Hudson, Delaware and James River.

21 Landing of Atlantic sturgeon peaked in
22 1890, but the fishery subsequently collapsed in 1901,
23 and it persisted into the 20th century but at much lower
24 levels. Prior to the stock collapsing, it's estimated

1 that each sturgeon river supported at least 10,000
2 spawning females.

3 In the 20th century, now, the ASMFC came
4 out with a fishery management plan for Atlantic sturgeon
5 in 1990 and followed that up in 1998 with an amendment
6 which put a moratorium on landing Atlantic sturgeon.

7 So now I'm going to go over some of the
8 NMFS specific actions for Atlantic sturgeon beginning
9 in 1991 when we named Atlantic sturgeon Canada species
10 which offered no additional regulatory protection to
11 the species. It's just sort of putting them on a list.
12 Following a 1997 petition to list the species under the
13 Endangered Species Act, in 1998 NMFS concluded that
14 listing wasn't warranted at that time but did follow up
15 the 1998 ASMFC moratorium on landings with its own
16 prohibition on retention in the exclusive economic
17 zone, and that went into effect in 1999.

18 More recently in 2003, NMFS U.S. Fish
19 and Wildlife Service and the ASMFC held a workshop to
20 discuss new information on Atlantic sturgeon, and then
21 there was another status change which didn't offer any
22 regulatory protection. It was just, again, putting
23 them on a different list which was species of concern.

24 And a status review was then initiated

1 in 2005, which was completed in 2007, and that was
2 followed by a petition to list Atlantic sturgeon in
3 2009. In January 2010, we determined that the petition
4 to action may be warranted, and in October of 2010, the
5 proposed listing published in the Federal Register.

6 So, to go over the 2007 status review,
7 which is where a lot of the information comes from in
8 the listing review, the 2007 status review was conducted
9 by NMFS U.S. Fish and Wildlife Service, and USDS
10 personnel and included input from sturgeon experts and
11 state resource agencies, Academia, private firms; and
12 then it was also peer reviewed. The status review team
13 investigated the existence of distinct population
14 segments. Which there will be more coming on DPS's, as
15 I'll refer to them shortly.

16 They looked at information on the
17 biological vulnerability of Atlantic sturgeon, and they
18 conducted a qualitative analysis of the threats faced
19 by the species in light of any protective measures that
20 existed at the time.

21 So you just heard me mention DPS's or
22 distinct population segments. There's a policy used by
23 NMFS and U.S. Fish and Wildlife Service to determine if
24 there's population segments of the entire species group

1 that are both discrete and significant.

2 A population is considered discrete
3 under this policy if it can be separated from another
4 group or population of the species based on physical,
5 physiological, ecological or behavioral factors.

6 If it is determined to be discrete, it
7 must also meet a significance criterion, and it's
8 considered significance if it occupies a unique
9 ecological setting in comparison with the rest of the
10 species or if it's loss would result in a significant
11 gap in the species range or if it represents the only
12 surviving natural occurrence of the species in its
13 historical range or if it differs markedly in its
14 genetic makeup from other populations.

15 If a population is found to be both
16 discrete and significant, then its status is reviewed
17 and considered for listing separately from other
18 populations. So DPS's are treated as a species under
19 the ESA definition, Endangered Species Act. I'll
20 probably say those interchangeably.

21 So, under the ESA definition of
22 species, DPS's re treated as such. In analysis of the
23 threats to the existence of the species or distinct
24 population segments categorizes the threats into one of

1 five factors which are identified in the Endangered
2 Species Act as threats to habitat or range, threats from
3 overutilization, threats from disease or predation,
4 threats from inadequate regulatory mechanisms, and
5 threats from other natural or man-made factors
6 affecting the species' continued existence.

7 So the 2007 status review I'm going to
8 sum up their conclusions. They suggested there were
9 five distinct population segments in the United States,
10 and they recommended that the New York Bight, the
11 Chesapeake Bay, and the Carolina distinct population
12 segments be listed as threatened. They did not offer
13 any recommendation to list or not to list the Gulf of
14 Maine and the South Atlantic distinct population
15 segments. They said that lack of adequate information
16 is the reason why no recommendation could be given at
17 that time.

18 The threats that were identified by the
19 status review team as most significant were dams, poor
20 water quality, dredging, bycatch, vessel strikes, and
21 inadequate regulatory protection.

22 In October of 2009, as I mentioned, we
23 received a petition. It was from the Natural Resources
24 Defense Council. They petitioned us to list Atlantic

1 sturgeon as an entire species as endangered or to list
2 the five DPS's identified in the status review with the
3 New York Bight, Chesapeake Bay, and Carolina DPS's being
4 listed as endangered and the Gulf of Maine and South
5 Atlantic DPS's to be listed at threatened.

6 They included a request that we
7 designate critical habitat as well. In January of
8 2010, we responded to the request to their petition with
9 our finding that the action that they petitioned may be
10 warranted.

11 We were then required to come out with
12 a listing determination by October 6, 2010, which is,
13 indeed, the date that the proposed rules did publish in
14 the Federal Register. So here are some of the
15 considerations that we're to make when making
16 determinations, listing determinations. We need to
17 consider all of the five factors which I already went
18 over. We must use the best scientific and commercial
19 data available after reviewing the status of the
20 species. We need to take into account any efforts
21 already in place to protect the species; for example,
22 the 1998 ASMFC moratorium on landing Atlantic sturgeon.

23 Additionally, we need to take and
24 consider public comment during the time between the

1 proposed and final rules. We need to publish the final
2 decision within one year of the publication of the
3 proposed rule.

4 The regulation can't be implemented
5 until at least 90 days following its publication in the
6 Federal Register; and if the listing is, indeed,
7 finalized, critical habitat must then be designated.

8 Some definitions so we're all on the
9 same page when we're discussing the listing. These are
10 some important Endangered Species Act definitions.
11 First, a species -- and I'm going to just read it here
12 -- includes any subspecies of fish or wildlife or plants
13 and any distinct population segment of any species of
14 vertebrate, fish, or wildlife which interbreeds when
15 mature. An endangered species is any species which is
16 in danger of extinction throughout all or a significant
17 portion of its range. And a threatened species is any
18 species which is likely to become an endangered species
19 within the foreseeable future throughout all or a
20 significant portion of its range.

21 So moving on to the proposed listing.
22 First thing, NMFS agreed with the status review team
23 that there were five discrete and significant DPS's to
24 consider for listing under the ESA, based on several

1 factors including that the natal homing behavior of
2 adult Atlantic sturgeon during the spawning season
3 separated them spatially. There was also a temporal
4 separation during spawning.

5 And the unique ecological setting of
6 each DPS was taken into consideration as well as genetic
7 differences between DPS's and the significant gap in the
8 range of the species that were a result from the loss
9 of one of the DPS's that were identified.

10 Since the status review published in
11 2007, NMFS has obtained new information indicating that
12 bycatch, vessel strikes, and water quality issues are
13 having a greater impact on Atlantic sturgeon than was
14 thought during the time the status review was being
15 written between 2005 and 2007. And that's important to
16 note because if you read the status review's
17 recommendations and you read the proposed listing,
18 you'll note that there are differences, and that's sort
19 of where there new information has come from to, we
20 believe, warrant that.

21 NMFS published two rules which cover the
22 listing of all five DPS's. One rule is for the
23 Northeast region, and one for the Southeast region.
24 The Northeast rule proposes to list the New York Bight

1 and Chesapeake Bay DPS's as endangered and the Gulf of
2 Maine DPS as threatened.

3 The Southeast region proposed rule
4 proposes to list the Carolina and South Atlantic DPS's
5 both as endangered. So overall four endangered DPS's
6 and one threatened DPS have been proposed.

7 I'd like to now go over some of the DPS
8 specific information pertaining to the listing
9 including the geographic range of each DPS, what we know
10 about spawning in abundance in each DPS and primary
11 threats to the fish in each DPS.

12 The Gulf of Maine DPS, which is proposed
13 as threatened, includes all fish originating in
14 watersheds from the Maine-Canada border down to or
15 southward to Chatham, Massachusetts. Within the Gulf
16 of Maine DPS Atlantic sturgeon are known to occur in the
17 Penobscot, Kennebec, Sheepscot, Saco, Iskatagwa, and
18 Merrimack Rivers; and spawning is known to occur in the
19 Kennebec only; although, it may be occurring in the
20 Penobscot as well. The primary stressors and threats
21 to Atlantic sturgeon in the Gulf of Maine DPS were
22 identified as bycatch, which has been reported as
23 unsustainable in the long term according to the 2007
24 ASMFC bycatch report. Dredging is another one and

1 water quality.

2 And they're similar to those for the
3 other DPS's, but you can see this is in the proposed
4 rule, less in their extent leading to the threatened
5 proposal as opposed to the endangered proposal for the
6 other DPS's.

7 The New York Bight DPS includes all
8 Atlantic Sturgeon occurring in coastal watersheds from
9 Chatham, Massachusetts to the Delaware-Maryland border
10 at Fenwick Island.

11 The Hudson River and the Delaware River
12 are the known spawning rivers of the DPS. They also
13 occur throughout Long Island Sound and in the mouths of
14 the Connecticut and Taunton Rivers.

15 One of the only abundance estimates that
16 we have for Atlantic sturgeon comes from the Hudson
17 River, and that's 870 spawning adults per year.
18 Keeping in mind that each adult does not spawn every
19 year, it's likely there are more than 870 spawning
20 adults for the river, but that's the estimate we have.
21 The primary stressors that have been identified for the
22 New York Bight DPS were dredging associated with vessel
23 activity and vessel strikes and both of those primarily
24 in the Delaware River with water quality and bycatch

1 being stressors for the entire DPS as well.

2 The Chesapeake Bay DPS includes
3 Atlantic sturgeon occurring in coastal watersheds from
4 the Delaware-Maryland border at Fenwick Island to Cape
5 Henry, Virginia. Within the Chesapeake Bay DPS,
6 Atlantic sturgeon are documented from the James River,
7 which is the only spawning river known in the DPS, the
8 York River, which is another potential spawning river,
9 the Potomac, the Rappahanoc, the Pocamok, the Choptank,
10 the Little Choptank, the Potuxka, the Nanticoke, the
11 Honga and the South River and also from Susquehanna
12 flats. There are no abundance estimates for any river
13 in the Chesapeake Bay DPS.

14 The Chesapeake Bay DPS has the same
15 primary stressors as the New York Bights DPS, which are
16 namely, dredging associated with vessel activity as
17 well as vessel strikes -- at this time primarily in the
18 James River -- plus water quality and bycatch for the
19 entire DPS.

20 The Carolina DPS includes all Atlantic
21 sturgeon that spawn in the watersheds from the Roanoke
22 River, Virginia, southward to the Cooper River in South
23 Carolina. Spawning rivers include the Roanoke,
24 Tarpameko, Cape Fear, Wacamaw, Peedee, Santee, and

1 Cooper Rivers. Like I mentioned, north of the
2 Virginia-North Carolina border there are far less known
3 spawning rivers; however, no abundance estimates are
4 available for the DPS. Dams, poor water quality and
5 bycatch are the primary stressors in this DPS.

6 The South Atlantic DPS includes all
7 Atlantic sturgeon that spawn in the watersheds from the
8 ACE basin, which is the Ashepo, Combahee, Medisto River
9 drainage in South Carolina to the
10 St. Johns River in Florida with spawning occurring in
11 the Combahee, Edisto, Savannah, Hobechee, Altamaha, and
12 Satilla Rivers.

13 The Altamaha River is the only river
14 with an abundance estimate in this DPS, which is 343
15 spawning adults per year. Like the Carolina DPS, dams,
16 poor water quality, and bycatch are the primary
17 stressors for the South Atlantic DPS.

18 So now because Atlantic sturgeon mix
19 extensively in the marine environment, all of the five
20 Atlantic sturgeon DPS's have an identical marine range
21 which is from the Bay of Fundy in Canada to the St. Johns
22 River in Florida. Additionally, each DPS includes
23 Atlantic sturgeon held in captivity that are identified
24 to be from the DPS whether by genetics, tagging, or some

1 it there -- harassing, harming, pursuing, hunting,
2 shooting, wounding, killing, trapping, capturing or
3 collecting. And what's not written on the slide there
4 -- the dot, dot, dot there is attempting to engage in
5 any of those activities as well is considered take. And
6 then just lastly, NMFS must designate critical habitat
7 for the species within one year of the final listing.

8 Like I said, the exceptions and
9 requirements that would go into place. Under
10 Section 7 of the Endangered Species Act, federal
11 agencies must consult with NMFS on proposed federal
12 actions that may adversely affect a listed species or
13 its critical habitat.

14 Federal activities that need to be
15 consulted on under Section 7 of the Endangered Species
16 Act would include any activities federally funded,
17 authorized, or implemented. These projects will not be
18 in violation of the Endangered Species Act if the
19 activities are conducted according to the terms of the
20 consultation.

21 So, essentially, this is a way for NMFS
22 to ensure that any incidental take by federal agency
23 actions won't jeopardize the species. Another way for
24 take coverage is through permits pursuant to Section 10

1 of the Endangered Species Act, and these can be in the
2 form of permits for scientific research and
3 enhancement, which are perhaps the most common, and can
4 be issued to federal or nonfederal entities conducting
5 research or conservation actions that will involve
6 directed or intentional take of listed species.
7 Section 10 permits are also available for nonfederal
8 entities to cover incidental take of listed species in
9 the course of an otherwise legal activity. So it's the
10 Section 7 parallel for nonfederal actions.

11 To apply for a 10A(1)(a) scientific
12 research permit, NMFS headquarters Office of Permits
13 should be contacted and Collette Kearns, whose contact
14 information is on the slide, is the contact there that
15 should be gotten in touch with.

16 Just the timeline for these permits,
17 we're asking the researches provide information on
18 their planned research to Collette Kearns by January 4,
19 2011, so that the permit office can review the requests
20 and batch them and basically process them in the most
21 streamlined way possible so they can get them out as soon
22 as possible and hopefully as soon as the listing is
23 finalized, if that, indeed, does happen.

24 We're also encouraging others to

1 contact us early on as well if somebody is concerned that
2 their project might be in violation of the Endangered
3 Species Act if this listing does get finalized and they
4 wanted to get their take covered through and analyzed
5 through a Section 10 permit or a Section 7 incidental
6 take statement. The earlier we're kind of made aware
7 of those things the smoother those processes tend to go.
8 So more information on permits and the website for those
9 interested in finding out more. There's the contact
10 information. And I can go back to that slide if
11 somebody wants me to, but I'm going to move on.

12 So this slide outlines the immediate
13 next steps that NMFS will be taking in regard to the
14 proposed listing. And what's not on the slide, but as
15 it stands right now the public comment period will be
16 open until January 4, 2011.

17 We do have a request for an extension,
18 but at this point, the extension is in the works and the
19 decisions will be forthcoming on that. So check back
20 with us as the comment period deadline approaches if you
21 would like to keep track of that process.

22 The final listing determination is
23 expected by October 6, 2011. As I already mentioned,
24 we're working on the 4-D Rule for the proposed as

1 threatened Gulf of Maine distinct population segment.

2 And we've also begun to identify the
3 physical and biological features necessary for the
4 survival of the species. This analysis will lead to the
5 publication of a proposed critical habitat rule if the
6 listing is finalized. We'll also begin conferencing
7 under Section 7 of the ESA for federal actions that may
8 jeopardize the species. So there is some contact
9 information for more information on the listing on
10 Atlantic sturgeon in general. And with that, I'll
11 leave that slide up there, and I will attempt to answer
12 any questions that you might have at this time.

13 COUNCIL CHAIRMAN RICHARD ROBINS:

14 Russ, thank you very much. Pres.

15 PRESTON PATE: Thank you,
16 Mr. Chairman, and thank you, Russ. In your description
17 of the DPS issue listed for all of them several spawning
18 rivers, spawning habitats. I forget the exact term now
19 for each one of the DPS's. Does the listing of those
20 spawning habitats have any bearing on the restrictions
21 that would apply after the listing?

22 RUSSELL BOHL: So the spawning rivers
23 that I spoke about, are you asking if there's a
24 difference between those and the other rivers where they

1 may occur but are not spawning?

2 PRESTON PATE: Yes. In terms of any
3 regulations or restrictions that might come after the
4 -- there's a reason I'm asking this question, and I'll
5 explain it as a follow-up.

6 RUSSELL BOHL: This is speculation, but
7 I can imagine in a Section 7 consultation that might
8 happen. On a spawning river, they would take into
9 consideration -- they would be taking into
10 consideration that as far certain times of the year a
11 sturgeon might in places where they wouldn't be at other
12 times of the year. There might be different life
13 stages. So it would all be contingent on the situation
14 that's happening.

15 Now, it could be that a spawning river
16 that something is determined will affect spawning, but
17 it may be happening at a time when they're not there;
18 whereas, as opposed to say an over-wintering habitat,
19 if we know there's an over-wintering habitat at a
20 different time of the year and it's happening during
21 that time.

22 So it's not necessarily the fact that
23 spawning is occurring in a river or not. It's going to
24 be really just contingent on the specifics of the action

1 when and where it's happening. I don't know if that
2 quite gets at it.

3 COUNCIL CHAIRMAN RICHARD ROBINS: Go
4 ahead, Pres.

5 PRESTON PATE: The reason I'm asking
6 that is I noted in your description of the Carolina DPS
7 that the Noose River system in North Carolina was not
8 included as a spawning river, and I don't know what
9 criteria you've used to make that designation, but it
10 would warrant going back and
11 re-examining that because historically it has been, and
12 in the last five years, there's been a low head dam
13 removed out of that system that traditionally had barred
14 the extreme migration of all anadromous species. That
15 shouldn't be overlooked. And there may be a good reason
16 not to list it, but it's worth having another look at
17 it.

18 RUSSELL BOHL: Sure. Sure. I think
19 that in the Southeast region the Noose River is listed
20 as a sturgeon river. I'm not sure what the data is on
21 documenting spawning in that river. But I'll actually
22 take a note of that and let our Southeast biologist know
23 about that. Thanks.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Pete

1 Himchak.

2 PETER HIMCHAK: Yes. Thank you, Mr.
3 Chairman. I had a question regarding the distinct
4 population segments. And in the New York Bight, there
5 are a number of rivers in Long Island Sound, the Hudson
6 and the Delaware, and my impression is that it's an all
7 or nothing.

8 Everything within that distinct
9 population either gets listed as -- you know, you're not
10 going to have separate listings for different systems
11 within the distinct population segment. Is that a
12 correct assumption?

13 RUSSELL BOHL: That's true. So the
14 distinct population segment is what it's listing is all
15 of the fish in that geographic range. So it's wherever
16 the fish occur in the geographic range. I mean the
17 rivers where we expect them to occur. But it is
18 wherever the fish are in the DPS.

19 PETER HIMCHAK: Okay. Well, in light of
20 that, Mr. Chairman, I want to explain where New Jersey's
21 been sitting on this. I mean we have -- you know, five
22 pages of draft comments that relate to the Hudson and
23 the Delaware River stocks that we are trying to make it
24 a draft, that we're trying to work with Delaware and New

1 York to come up maybe with a common letter regarding
2 those specific river systems.

3 But we fully recognize that our ability
4 to comment on some of the other rivers that enter the
5 Long Island Sound are beyond the scope of our
6 capabilities, so consequently our comments are limited
7 to two rivers within that system. So, I mean, that
8 would still bear enough weight to carry the distinct
9 population segment?

10 RUSSELL BOHL: I'm not sure I'm
11 understanding the specific question. If you could
12 reiterate it for me.

13 PETER HIMCHAK: Okay. I guess I'm
14 saying that if four of the five rivers don't necessarily
15 require an endangered listing but a fifth is a strong
16 candidate, then it could actually drag everything up to
17 an endangered listing; is that what you're saying?

18 RUSSELL BOHL: I believe I understand
19 what you're saying. And I believe that's true under the
20 significant portion of it's range definition in the ESA.

21 COUNCIL CHAIRMAN RICHARD ROBINS:
22 Gene.

23 EUGENE KRAY: Thank you, Mr. Chairman.
24 Russ, you mentioned vessel collisions, particularly in

1 the Delaware, and I'm from Pennsylvania, so obviously
2 I'm interested in that.

3 In a case of the right whale up in New
4 England, I know they've altered shipping lanes. As I
5 recall, it was during the spawning period for right
6 whales. Who would have the responsibility for
7 initiating action to do that?

8 I know Atlantic sturgeon is under the
9 management authority of the ASMFC, and I sit on that
10 committee which meets maybe once a year, once every two
11 years. Who would have responsibility? Would it be the
12 ASMFC to try to do that, or would it be NMFS or who?

13 RUSSELL BOHL: The vessel strike issue
14 is one that we're currently trying to figure out how
15 that's going to work out. It's not clear to this point
16 how it will. We've already begun contacting the
17 relevant port authorities to work directly with them on
18 seeing what can be done, what the plans are in the
19 rivers, and things like that. But it's a hard problem
20 to characterize and to think about.

21 If there's a federal hook as far as
22 implementation of an activity or authorization or
23 funding, then those problems can be dealt with through
24 Section 7 hopefully. That would be probably the most

1 clear way for NMFS to consult with whatever agency was
2 responsible for the funding, authorization or whatever.

3 So that could be the clear link to deal
4 with those issues; otherwise, it's going to have to be
5 directly working with the port authorities. I don't
6 know if that will have to come in the form of a Section
7 10 permit by a port authority or what. It's not clear
8 yet, I guess, is the only answer I can give. Sorry about
9 that.

10 EUGENE KRAY: Thank you.

11 COUNCIL CHAIRMAN RICHARD ROBINS:

12 Vince O'Shea.

13 VINCE O'SHEA: Thank you, Mr. Chairman.
14 Thanks, Russ. I'm Vince O'Shea from Atlantic States
15 Commission. In one of your slides, you talk about the
16 definition of take, and my understanding just to confirm
17 this is that it has nothing to do with intention; that
18 if somebody's engaged in an activity that results in
19 those things, then that's a problem. So the question
20 is: I think we have probably many years or at least a
21 decade's worth of trawl data from the winter cooperative
22 striped bass tagging crews off North Carolina which is
23 conducted with the trawl fishery where they've had
24 significant catches of sturgeon in that fishery.

1 So my question is: Will National
2 Marine Fishery Service be looking at things like that
3 for a connection as to whether or not the commercial
4 trawl fishery is involved in takes with sturgeon, and
5 is that then going to trigger the Section 10 permit
6 requirements for all the trawl fishing they say is going
7 on in that area; or how potentially would that work?

8 RUSSELL BOHL: So, as I understand it --
9 and that specific survey that you've mentioned has
10 actually given very good data on Atlantic sturgeon in
11 the past -- but as I understand it, again, if there was
12 any -- for that specific survey if there was any federal
13 hook, then it would be another Section 7 consultation.

14 But as far as the larger picture of trawl
15 surveys in general, the proposed rule does recognize
16 that Atlantic sturgeon are incidentally caught in trawl
17 fisheries, otter trawl fisheries particularly. And,
18 again, if those are federal fisheries, then they'll be
19 dealt with hopefully in whether it's a Section 7
20 consultation after the listing comes out or whether
21 there's a conference.

22 And we already do Section 7 with our own
23 fisheries people in NMFS, and so that will probably be
24 a similar process that would take place just for another

1 species now.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Vince.

4 VINCE O'SHEA: So just to be clear:
5 I'm not concerned about the interaction during the
6 survey activities; I'm concerned about the activities
7 of commercial fisheries that take place in that area
8 with trawl -- so, if the survey guys catch them in their
9 trawl, then commercial guys got to be catching them in
10 their trawls.

11 RUSSELL BOHL: Right. I'm just not
12 aware of this. Are those federal fisheries that would
13 be in that same area do you know?

14 VINCE O'SHEA: Well, if they've trawled
15 for summer flounder, for example. Fluke they are.
16 It's another species managed by this council, yeah.

17 RUSSELL BOHL: So those would be dealt
18 with through Section 7 consultations on those
19 fisheries.

20 COUNCIL CHAIRMAN RICHARD ROBINS: Red.

21 RED MUNDEN: Thank you, Mr. Chairman.
22 A couple points. No. 1, the trawl fishery that exists
23 for summer flounder requires tags particularly off
24 North Carolina, and it's my understanding for the size

1 sturgeon that you would normally find in the ocean they
2 would be rejected by the TADs.

3 The striped bass tagging crews that
4 Vince referred to uses a net without tags because it's
5 a scientific survey. But if I may, Mr. Chairman, I have
6 a couple of points. Has NMFS moved toward the
7 designation of critical habitat or identification of
8 critical habitat for Atlantic sturgeon?

9 RUSSELL BOHL: There's a lot of data
10 that we've received from the U.S. Geological Survey that
11 we need to analyze before we are able to make any good
12 conclusions on critical habitat. So we have the data
13 inhand and are working on it is basically it.

14 RED MUNDEN: And as a follow-up, it's my
15 understanding that even though short nose sturgeon were
16 listed as endangered some 25 or 30 years ago, critical
17 habitat has never been identified. Can you comment on
18 that?

19 RUSSELL BOHL: Not much more than just
20 to say, yes, that true. And there's currently another
21 status review ongoing for short nose sturgeon, and I
22 could imagine that if any change in listing or anything
23 happened, that that would probably then be designated.
24 But that's a ways off.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Peter DeFur.

3 PETER deFUR: Thank you, Mr. Chairman.
4 I was going to ask about the critical habitat as well
5 but confirm that state fisheries would also be involved
6 with the Section 7 consultation because we have a number
7 of -- I know that there's some research out of Old
8 Dominion indicating that some of the (inaudible) and
9 maybe gillnet fisheries catch sturgeon along the shore
10 particularly along the coastline.

11 RUSSELL BOHL: So, if there's a fishery
12 that is not -- that has no federal hook, then it wouldn't
13 be covered or it wouldn't be dealt with under a Section
14 7 consultation. It would have to then go through that
15 Section 10 permit process that I had talked about.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Rick
17 Seagraves.

18 RICHARD SEAGRAVES: Yes. Thanks, Mr.
19 Chairman. Yeah, Russ, I'd like to kind of back a little
20 bit in terms of the biological review team results.
21 Looking at your presentation, you indicated that there
22 have been a number of considerations of listing at
23 various stages since the early 1990s, and then in this
24 iteration following the 2007 review, it was concluded

1 that there appeared to be enough concern to now consider
2 listing.

3 So my question is: What additional
4 information became available? Because after reading
5 that, it looks like there is very limited information
6 on transient population abundance.

7 I think it's clear that there's always
8 been a concern about sturgeon, their low levels because
9 of loss of habitat, spawning areas, destruction, et
10 cetera. But what changed in the most recent status
11 review in terms of actual abundance that we're aware of
12 that would have warranted their recommendation?

13 My conclusion after looking at all this
14 stuff is that it's lack of regulatory protection that
15 really was the motivation for proposed listing rather
16 than any information -- in fact, some of the information
17 shared some of the rivers are actually decreasing in
18 numbers at low levels. So would that be a fair
19 assessment that the primary motivation is lack of
20 regulatory protection rather than any quantitative
21 analysis?

22 RUSSELL BOHL: That's certainly part of
23 it. And I know that I wasn't around, but I'm fairly
24 certain that back during the 1998 determination the

1 listing wasn't warranted at that time.

2 I think there was a thought that the
3 ASMFC's prohibition on retention of Atlantic sturgeon
4 and then the upcoming NMFS prohibition in the exclusive
5 economic zone would do enough to recover the species to
6 the point where it wasn't listed.

7 And since then, they had another
8 workshop in 2003 -- I think it was NMFS, U.S. Fish and
9 Wildlife Service and ASMFC -- and they kind of concluded
10 that some of the river systems seemed to be perhaps
11 remaining stable, and some of them were actually still
12 declining. And that's what led into the new status
13 review and then the information that listing may be
14 warranted at that time. Does that get at the question?

15 RICHARD SEAGRAVES: Yeah. Thanks.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Chris Zeman.

18 CHRISTOPHER ZEMAN: If Atlantic
19 sturgeon is listed, what would NOAA then be doing in
20 terms of ongoing permanent activities in rivers and like
21 dams, hydroelectric turbines? What would that review
22 consist of? Would that be a new renewal of those
23 permits?

24 Would that consideration happen sort of

1 after the designation or at the first renewal of those
2 permits? And then secondly, it seems like right now
3 we're seeing a lot of activity and interest in
4 additional -- like in river turbines and hydroelectric
5 which are known to be serious threats to the sturgeon
6 based on Canadian studies. What are we doing on that?

7 Because that seems like it could be a
8 real -- we're at the forefront of a real new second
9 generation of like hydroelectric energy development on
10 our rivers.

11 RUSSELL BOHL: So I'll handle the
12 second question first. And that's just to say that the
13 more aware we are of any upcoming projects the easier
14 it will be to consult with the people that are necessary
15 and work things out so that the earlier that we're made
16 aware of those projects -- and maybe some people in our
17 office already are -- but the earlier the better on that.
18 And as far as the first question goes, so there's --
19 again, we need to be made aware of any projects that may
20 take Atlantic sturgeon, and then we can look at the
21 project and sort of do an initial analysis on will this
22 -- not will this -- but is it possible that this project
23 could take Atlantic sturgeon to the extent that they
24 would jeopardize the species, and then we would do what

1 is called a conference. And this would happen even
2 during the proposed listing stage.

3 So a conference would then be done.
4 It's different, I guess, than a consultation. I don't
5 know the details, but I know that that would be done then
6 to ensure that whatever project that was would not
7 jeopardize Atlantic sturgeon. And then the other --
8 and then when the listing is finalized, it would then
9 -- another Section 7 consultation could be initiated,
10 but the conference, I believe, would take care of it
11 ahead of time if that were done.

12 So I know that probably wasn't the
13 clearest of answers, but on that one I think I'll
14 probably have to advise you to get in contact with one
15 of my contacts up there.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Chris.

18 CHRISTOPHER ZEMAN: Just one
19 follow-up. Who would you need to advise you or notify
20 you of these activities? I mean I don't think the
21 Council has any role to advise. I think the Council's
22 role should be an active role in this; however, I think
23 -- when you expect a notice from us, but if we notify
24 you and once the system's in place where you get that

1 notice and if that's not in place. I think that has to
2 be created where there's some sort of requirement that
3 you're notified of these federal projects.

4 RUSSELL BOHL: I'm sorry I wasn't clear
5 on that. So the responsibility for notifying us of
6 projects that have a federal hook is the federal agency
7 that's authorizing implementing or fronting the
8 projects. So it wouldn't be the Council necessarily
9 that would be responsible for doing that. It would be
10 the federal agency. And then sometimes you have
11 conscientious -- whoever it is that's actually carrying
12 out the project that may be permitted by a federal agency
13 that knows -- if the federal agency's not on the ball,
14 they might know, well, I know sturgeon could be an issue,
15 and I don't want to be breaking the law and getting in
16 trouble for that, so I'm going to get the federal agency
17 to get in contact with NMFS so we can start this process.

18 COUNCIL CHAIRMAN RICHARD ROBINS:
19 Thank you, Russ. Russ, if the listing occurs, what role
20 would biological opinions play? In other words, would
21 there be initiated a round of biological opinions of
22 fisheries that are known to have interactions with
23 sturgeon, or would that come out later through the
24 consultation process?

1 RUSSELL BOHL: So the biological
2 opinion, as I understand it, is sort of the end product
3 of a Section 7 consultation. And so then anything that
4 was conducted in the terms of the biological opinion
5 that came out of that consultation wouldn't be in
6 violation of the Endangered Species Act.

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 Okay. And can you also describe a little bit the
9 species vulnerability to boat strikes. Is that just
10 occurring in the spawning reaches of the rivers?
11 That's not a vulnerability while they're in their
12 migratory route is it?

13 RUSSELL BOHL: It doesn't appear to be
14 -- I'm sorry. Go ahead.

15 COUNCIL CHAIRMAN RICHARD ROBINS: Can
16 you describe that a little bit?

17 RUSSELL BOHL: Sure. It doesn't
18 appear to be -- to my knowledge, it doesn't appear to
19 be in the marine range so much as it is in particularly
20 in rivers like the Delaware and the James River where
21 you can have the deep enough portions of the river for
22 large vessels and small vessels. Or anywhere where
23 it's narrow enough where a lot of the vessel traffic is
24 going to be taking up a fair part of the river is where

1 we're seeing vessel strikes happening. It's not just
2 in the spawning ranges far up in the rivers, but it is
3 in the river in portions.

4 COUNCIL CHAIRMAN RICHARD ROBINS:

5 Thank you. Pete.

6 PETER HIMCHAK: Yes. Thank you, Mr.
7 Chairman. I had a question then recognizing that
8 comments are due January 4th with maybe an extension.
9 We don't know yet. But how can we handle a response from
10 the Mid-Atlantic Council on the Federal Registry
11 notice?

12 And it's going to be very complicated
13 logistically because, as I said, I mean at least within
14 New Jersey it took us almost two months between our
15 endangered nongame species program and marine fisheries
16 program to agree on a five-page letter of comments.

17 We're more than willing to share this
18 with Delaware and New York on our common river systems,
19 but how would the Mid-Atlantic Council -- would our
20 Protected Species Committee write a letter of comment
21 on behalf of the Council, and when would this be done?

22 COUNCIL CHAIRMAN RICHARD ROBINS:

23 Pete, thanks for raising this question. As I
24 understand it, there is a 30-day extension of the

1 comment.

2 RUSSELL BOHL: Yeah. There's one in
3 the works. I'm just not aware of whether it's been
4 officially released. But if you know about it, perhaps
5 it has.

6 COUNCIL CHAIRMAN RICHARD ROBINS:
7 Okay. Well, I would submit that one way forward would
8 to be have all the interested states to submit their
9 positions or comments to the Council staff and we'd
10 synthesize those and work to highlight the concerns of
11 our member states and members and then forward those to
12 the service relative to the listing. Red.

13 RED MUNDEN: Thank you, Mr. Chairman.
14 The North Carolina Division of Marine Fisheries will be
15 submitting comments tomorrow. I will be more than
16 happy to provide electronic copies not only to Council
17 members who are interest as well as the Council staff.

18 And I do have hard copies of a draft, but
19 I'd rather we wait until tomorrow so we can have the
20 final version. But I received an e-mail from Louis
21 Daniel last night, and he said he concurred with the
22 comments that the staff has put together and that we
23 would be submitting those today -- I mean tomorrow.

24 COUNCIL CHAIRMAN RICHARD ROBINS:

1 Thank you, Red. I did see a couple hands up in the
2 audience. I'm running behind, but if you'll all be
3 brief. Greg DiDomenico.

4 GREG DIDOMENICO: Thank you,
5 Mr. Chairman. Greg DiDomenico, Garden State Seafood
6 Association. I had a few questions maybe for
7 clarification. One, does the agency intend to
8 concurrently designate critical habitat under this rule
9 making concurrent with the ESA listing?

10 RUSSELL BOHL: So, as far as the time
11 line goes, it would be the goal is to have the proposed
12 listing of critical habitat at the same time as any final
13 listing, final rule for listing them under the ESA. And
14 then the final critical habitat rule would then be a year
15 behind that.

16 GREG DIDOMENICO: Well, okay. So can
17 you explain -- I'm trying to understand you correctly.
18 Can you explain before the agencies utilized a
19 separation of ESA listing with critical habitat, in
20 fact, this has occurred on green sturgeon, small tooth
21 sawfish, (inaudible) and the beluga whale, North
22 Pacific right whale, sea lions. Why is the agency
23 choosing not to follow that format?

24 RUSSELL BOHL: I'm sorry. Can you

1 repeat the first part of what you said.

2 GREG DIDOMENICO: The question is:
3 Before the agency has designated critical habitat not
4 under the same rule making as the ASA listing.

5 RUSSELL BOHL: Not under the same rule
6 making or on the same rule making?

7 GREG DIDOMENICO: Not. Sorry. And
8 those examples are examples that the agency chose not
9 to do that. Why are you differing from that policy?

10 RUSSELL BOHL: It will be a separate
11 rule, it will be -- just start at the same time as the
12 -- that's the time line we are on critical habitat.
13 Does that -- am I understanding you?

14 GREG DIDOMENICO: I'll -- I won't waste
15 any more time, I'll look into that further.

16 COUNCIL CHAIRMAN RICHARD ROBINS: I
17 think Pat has a comment.

18 PATRICIA KURKUL: Greg, it would only
19 be a proposed rule issued on the critical habitat, and
20 the final rule is issued on the listing. So the process
21 on the critical habitat would just be starting when
22 there was a final decision on the listing.

23 GREG DIDOMENICO: Okay, and was that
24 the policy with those other examples? I'd take a look

1 at the administrative process as well, because of those
2 examples?

3 PATRICIA KURKUL: It's the policy we
4 are supposed to follow and we try to follow; but we
5 haven't always.

6 GREG DIDOMENICO: Okay, thank you.

7 COUNCIL CHAIRMAN RICHARD ROBINS:
8 You're final question.

9 GREG DIDOMENICO: Yeah, this is the
10 last one. Let me ask the most pertinent one. You have
11 the individual adult estimates from Hudson Bay -- Hudson
12 River DPS? That information is from 1985 to 1995. How
13 does that classify as best scientific information?

14 RUSSELL BOHL: I guess as only
15 information that we have. It was the only estimate that
16 they had to go off of. And the status review and the
17 proposal both fully recognize that it's likely not
18 extremely accurate, but it is the best information we
19 had at the time.

20 GREG DIDOMENICO: And are you going to
21 consider -- you're not considering the Hudson River DPS
22 and the Delaware DPS? Is that true?

23 RUSSELL BOHL: They're in the same DPS
24 as it stands right now.

1 GREG DIDOMENICO: Okay. There's
2 genetic information that is available that can identify
3 88 percent accuracy the two different fish. Why are you
4 not using that?

5 RUSSELL BOHL: Yeah. In fact, there's
6 also genetic information for many of the river systems
7 where you can identify them that way, but the DPS
8 decisions aren't solely based on genetics. That
9 certainly is part of it. But then also ecological
10 differences, similarities, all those factors which I
11 mentioned on that.

12 GREG DIDOMENICO: Yeah. And they
13 actually are two distinct ecological critical habitat?
14 Or you're not going to consider that?

15 RUSSELL BOHL: I don't have the
16 expertise to go into that. I apologize. If you could
17 maybe contact the people inside. I apologize.

18 GREG DIDOMENICO: Thank you.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Kelly, if you'd ask your most pressing question. We
21 need to move on.

22 KELLY PLACE: Thank you,
23 Mr. Chairman. My name is Kelly Place from Virginia. I
24 serve in a number of positions with both management,

1 environmental and commercial fishing groups.

2 First, I'd like to make one correction.
3 Unless my congressman and BMRC and a number of others
4 are wrong, I've been e-mailed several times that the
5 extension request for the public comment period has been
6 granted, and the night before last I even noticed on the
7 NMFS website that it said February 5th instead of
8 January 4th. Now, I personally requested a 90-day
9 extension. But judging from what you've got on your own
10 website and what my congressman told me, that extension
11 for public comment has been granted. One other thing
12 -- and I don't mean to go after you, Russ -- but one
13 correction I'd like to make: When you listed the four
14 rivers in which spawning were taking place that were
15 north of the North Carolina/Virginia border I noticed
16 that you failed to mention the York River.

17 And I had noticed looking at the
18 petition for listing as well as the various NMFS
19 documents that one of the many papers which I have a big
20 concern with, especially as far as the way it was
21 portrayed, the Ike Worgin's paper on evidence for
22 (inaudible) spawning populations in the York River and
23 other rivers.

24 That particularly struck me because

1 that was my data. I wrote a proposal which was funded
2 by Sea Grant in 2005, assessment of sturgeon bycatch,
3 bycatch mortality and other regulatory discard
4 mortality in Virginia's winter and spring striped bass
5 and other gill net fisheries.

6 And, in the first year of that, which is
7 still going on, we collected several hundred samples of
8 York River DNA. Ike Worgin at NYU called me at home one
9 day looking for DNA from other rivers in the Chesapeake
10 and was flabbergasted that we had several hundred. He
11 requested the 38 most likely samples and did his paper
12 several years ago. I notice that you -- this is just
13 one example of what I see as a lot of incongruities in
14 the conclusions that I think that not only you and the
15 petitioner have reached in coming up with this proposed
16 listing of endangered, the most stringent listing.

17 And since I'm just citing this one
18 example of many and because that was my information that
19 actually I didn't get reimbursed on, it was
20 unfortunately portrayed both I thought in the NFS data
21 and especially the petitioner's data that the 38 samples
22 of DNA from the York River -- which by the way, the author
23 of the paper said was clear evidence of a spawning
24 population in the York, which is not listed -- that that

1 38 samples is just a small snapshot of several hundred
2 samples we got in a very short period of time from just
3 three people.

4 In other words, had we, one, ever had
5 funding, there easily could have been thousands of
6 pieces of DNA of York River fish. Unfortunately, that
7 was portrayed as, oh, we just discovered 38 fish in the
8 York River which it presumed to be extirpated for the
9 last 50 to a hundred years.

10 The reason I bring that one up -- and I
11 won't cite a large number of others -- is I feel that
12 a lot of the data that's being considered the best
13 available data has been cherry-picked and misrepresented.
14 And I know that data like the back of my hand because
15 I not only paid for it essentially and we had observers,
16 but since that was my data which I'm freely giving out
17 to a number of scientists, I want the data whether it's
18 mine or whoever's to be accurately portrayed, and that
19 clearly wasn't.

20 So that's -- I feel that you're not using
21 a lot of the best available data. And because you said
22 that you're mostly interested in any new data that
23 hasn't been collected, let me mention -- and I urge the
24 Service to look very carefully at not only all of our

1 data, which has been a six-year, ongoing project -- I
2 don't know what the funding is like for next year -- but
3 other PHD and masters dissertations some of which were
4 done with data, hard parts and DNA and other things that
5 we collected and provided to, for example, Virginia
6 Commonwealth University. Right now I would urge you to
7 look at what they're putting out, some of which is being
8 written right now. And our data, VIMS, right now has
9 all of our log sheets and is putting that together to
10 give to VMRC so they can make their comment. I urge you
11 to look closely a lot of what's being done in Virginia,
12 and I'd even more so urge you to look at the genetic
13 analysis. We collected over a thousand pieces of DNA.
14 Many people when I initiated that project told me we'd
15 be lucky to catch a single sturgeon. But we've gotten
16 thousands of pieces of DNA now, and most of it hasn't
17 been analyzed. And I'm certain that an analysis will
18 show a much greater genetic diversity in population
19 structure in the rivers in the Chesapeake Bay. So I
20 strongly urge you to look at that.

21 And one thing I'll just mention: with
22 one doctoral student at BCU we taught him -- our water
23 men taught him how to fish for sturgeon, and we just had
24 learned by trial and error. The last couple of years,

1 this year for example, he caught 34 adult sturgeon in
2 a very small window of time in August and September.
3 One pull of the net he had five all of which were running
4 milt or were -- one of which was apparently a female --
5 with an incredibly small catch per unit -- a small amount
6 of effort that he put forward to catch 34 adult fish
7 between five and seven feet long is a pretty astounding
8 catch per unit of effort, yet when I read the supporting
9 documents both for NMFS opinion as well as the
10 petitioner and all the other peripheral information, I
11 found a grave misportrayal of the data that's extent
12 and/or ignoring a lot of the data. And as I mentioned
13 before, a lot of it was cherry-pick. So I urge you to
14 look very closely at that data.

15 CHAIRMAN RICHARD ROBINS: Kelly, I'm
16 going to interrupt. The VMRC, as I understand it, is
17 going to take the information that VIMS is providing and
18 is going to forward that information to the Service.

19 KELLY PLACE: If you have a question on
20 this; otherwise I need to move on.

21 KELLY PACE: Okay. I've got a lot of
22 questions. I was just going to keep it to the most
23 pertinent ones. Let me ask you one thing, Dave. I've
24 been to most every sturgeon symposium that's been given

1 on the East Coast since 2004, and I always hear the
2 amount of funding that's available under Section 6 of
3 the ESA for various research assuming they have the
4 permits to conduct that research; can you tell me what
5 that amount of funding is?

6 Because what I've perceived over the
7 last five years a lot of the NOAA people seem to be
8 dangling this very rare funding in front of a lot of
9 people in the scientific community, and sometimes it
10 strikes me as somewhat appropriate when instead of
11 discussing the biological parameters or whether or not
12 a species should be listed, what their status is,
13 population diversity, it seems that NOAA -- NMFS has
14 been so much focused on the permitting process to be able
15 to conduct research under, I guess, Section 7; and the
16 Section 6 funding in my opinion it seems like it's so
17 small and with the budgetary situation we have in the
18 U.S. Congress is likely to get smaller that it's almost
19 like a cruel joke to lead some of the scientific
20 community on that there's any significant amount of
21 funding to conduct research.

22 And, frankly, research like ours would
23 be unlikely to be permitted under what is it -- Section
24 7 of the ESA. And a lot of the research that's being

1 done now all up and down the coast -- but I speak
2 specifically the Chesapeake -- which is gravely
3 important is being done on a shoestring would not be able
4 to be conducted.

5 Can you tell me how much money for the
6 Section 6 funding there actually is? Because I really
7 do think that portraying to the research community that
8 money is available is kind of like a cruel joke. And
9 I think that our best available data will shortly become
10 very much less than it is now.

11 RUSSELL BOHL: I can say that in recent
12 years Section 6 funding has increased quite a bit. I
13 don't have the numbers off the top of my head. But you
14 have my card. I gave it to you out there earlier. If
15 you would e-mail me and ask for the Section 6 -- the most
16 recent Section 6 requests that came out -- for the
17 announcement for the funds that came out, I can send it
18 to you. And you'll see that it is quite a bit. And last
19 year we did fund quite a bit of sturgeon work under the
20 Section 6 announcement. So just get in contact with me,
21 and I'll get you that.

22 KELLY PLACE: Quite a bit sounds good.
23 But Jim and some of your other people -- you mentioned
24 you were third in line; I don't mean to hold your feet

1 to the fire -- but they have always known right off the
2 top of their head how much of the Section 6 funding was
3 available.

4 And to me it always seemed like a very
5 small amount. And I would encourage you to make sure
6 that the researchers know that it's not some pot of gold,
7 and with the budgetary situation, if anything, it's
8 likely to decrease. So I have great concerns about
9 that. I know the chairman wants to end this. Let me
10 wind this up real quick by --

11 COUNCIL CHAIRMAN RICHARD ROBBINS:
12 Kelly, we're done. Thank you. We're going to move on.

13 KELLY PACE: Right.

14 COUNCIL CHAIRMAN RICHARD ROBBINS:
15 And, Russ, thank you very much. I'm going to move on
16 to our next presentation. We have John Van Name from
17 the U.S. Fleet Forces Command. And we're going to go
18 on to the next presentation. Thank you.

19 JOHN VAN NAME: Thank you,
20 Mr. Chairman.

21 COUNCIL CHAIRMAN RICHARD ROBBINS:
22 Welcome, John.

23 JOHN VAN NAME: Thank you, Mr.
24 Chairman.

ATLANTIC FLEET TRAINING

1
2
3 JOHN VAN NAMES: My name is John Van
4 Name. I'm the project manager for the Atlantic Fleet
5 Training and Testing Environmental Impact Statement.
6 I work for United States Fleet Forces Command, and I have
7 Dave McDuffy, who's our lead biologist, here with me to
8 help answer any questions.

9 And I, again, appreciate the
10 opportunity to present to the Council today. Just a
11 quick overview. What I'm going to speak about today is
12 our Atlantic Fleet Training and Testing Environmental
13 Impact Statement.

14 An overseas environmental impact
15 statement is currently underway. We're providing this
16 overview to the Fishery Management Council. This is
17 actually the second overview that we've presented to one
18 of the regions.

19 We were down the Gulf Coast about a month
20 ago, and we intend to present to the Southeast and the
21 Northeast Councils. I'm going to go over some of the
22 project background. I'll talk about the project
23 itself, the proposed action, purpose and need for the
24 study area that we're looking at, go over some of the

1 examples of the training and testing activity that we're
2 conducting and propose to conduct, talk about the goals
3 of the document and the effort, the alternatives, the
4 resources we will be analyzing our cooperating agency
5 NMFS engagement, the schedule, and conclusions.

6 But, again, the designed outcome of why
7 we're here today is we want to be sure that the
8 Mid-Atlantic Fishery Management Council is aware of
9 this effort and that you will have an opportunity to
10 engage in our process.

11 A little bit of background. The
12 Atlantic Fleet Training and Testing EIS which is being
13 prepared now -- the U.S. Fleet Forces Command is the
14 actual proponent, but we're partnering with Naval Air
15 Systems Command, NVAC, and the Office of Naval Research.

16 The goal of the effort is to sustain its
17 training and testing by supporting the reauthorization
18 under the Marine Mammal Protection Act and
19 consolidating existing authorizations which we
20 currently hold. And we'll get this into the
21 background. We have a number of EIS's which were
22 previously conducted over the past couple of years.
23 This document will seek to consolidate those EIS's into
24 a single document. And the goal is to support current

1 and future training and testing and increase
2 flexibility of those activities. Public scoping
3 meetings were held already the 23rd of August through
4 1 September, and the scoping comment period ended 14
5 September 2010.

6 Background. I mentioned there was a
7 number of EIS's, documents which were previously
8 conducted. Of particular interest to this Council,
9 Virginia Capes' EIS was completed. The EIS was
10 released in March and the record of decision signed in
11 June.

12 The Cherry Point range complex document
13 was finalized in April. The record of decision again
14 signed in June. And the Atlantic Fleet Active Sonar
15 Training EIS was completed two years ago, December 2008.
16 The record of decision signed in January 2009. And,
17 again, all of these documents have with them -- we sought
18 and received ESA consultations, and Marine Mammal
19 Protection Act authorizations were provided.

20 Purpose and need proposed action. We
21 conduct military training and testing activities
22 including the use of active sonar, explosives in the
23 waters off the East Coast of the United States, the lower
24 Chesapeake Bay where we conduct some warfare training

1 and the Gulf of Mexico. We want to achieve and maintain
2 fleet readiness by conducting these training
3 activities. These testing activities need to meet the
4 requirements of Title 10. And we want to obtain and
5 maintain compliance with the applicable environmental
6 regulations.

7 Our study area. I spoke about the --
8 let see if I can figure out how to make the laser pointer
9 work. I guess I can't. But anyway you can see along
10 the eastern seaboard we have a series of range
11 complexes, off areas, operating areas, warning areas
12 off of Virginia, off of the Northeast, off of the
13 Southeast.

14 There's a series of documents that were
15 conducted along the east coast and into the Gulf of
16 Mexico. And then the large green outline is our
17 Atlantic Fleet Active Sonar Training EIS.

18 This document, again, is going to
19 combine those previously conducted documents, and we'll
20 move a little bit north and a little bit south to better
21 fill out the area where the Second Fleet conducts its
22 operations.

23 But the areas that we're analyzing in
24 this EIS are for the most part the areas that we analyzed

1 in the previous suite of EIS's. The study areas is
2 going to combine Virginia Capes, Cherry Point,
3 Jacksonville, Gulf of Mexico. We're going to be
4 looking at some specific Naval Sea Systems Command
5 ranges down in Panama City and up in Newport, Rhode
6 Island and the South Florida test facility. We're also
7 going to be looking at selected ports in Norfolk,
8 Virginia, May Port where Navy ties up where we have ships
9 home ported. We'll be looking at sonar maintenance
10 activities that may occur in those ports.

11 Some examples of the training and
12 testing activities that will be included and analyzed
13 in this document: mine warfare, which includes mine
14 laying, mine countermeasures, and mine neutralization.

15 Of particular interest to this Council,
16 we conduct a number of these events now off of the coast
17 of Dam Neck, Virginia, in the Warning Area 50. As I
18 mentioned previously, we do some mine warfare training
19 in the lower Chesapeake Bay.

20 If any of the locals here are familiar
21 with the helicopters flying out of Naval Air Station
22 Norfolk pulling mine neutralization sleds and whatnot.
23 We're looking at service warfare activities: missile
24 exercises, gunnery exercises, bombing exercises, and

1 maritime security operations.

2 Maritime security operations, as you
3 might expect, is a particular area of focused interest
4 to the Navy these days with the emission, emergent
5 emission, of fighting piracy, as well as maintaining
6 security of our ships to make sure the sailors stay safe.
7 Air warfare will be analyzed: air combat maneuvers,
8 use of defensive counter measures, such as chaff and
9 flares, missiles and gunnery events.

10 We've got some photographs there of the
11 orange aerial targets which we launch either of off
12 vessels or off of Dam Neck. We've got a facility that
13 conducts that and a picture of a banner for-air-to-air
14 gunnery events.

15 Amphibious warfare. Part of our study
16 area is Anslow Bay, Cherry Point, and waters off of Camp
17 Lejeune. We'll be analyzing again, as we did in the
18 previous document, the at-sea portion of those
19 amphibious operations getting the marines to the beach
20 as well as gunnery exercises where they'll on occasion
21 fire into the G-10 range at Camp Lejeune or at sea to
22 support our naval gun fire support training.

23 Anti-submarine warfare is a primary
24 mission area where we need to conduct and continue to

1 train as we do involving surface ships, submarines,
2 aircraft, such as P3's and the soon-to-be introduced P8
3 maritime patrol aircraft.

4 We use a number of targets for
5 anti-submarine warfare training. A picture there in
6 the lower right-hand corner of one of the recoverable
7 sub simulators. We also utilize helicopters. Which
8 the lower left-hand corner photo is a helicopter with
9 dipping sonar, which will be used in these training
10 activities. And, again, we're going to be covering
11 activities of the Naval Sea Systems Commands, such as
12 sea trials and combat system ship qualification tests.

13 So, when a ship rolls out of either Bath,
14 Maine or Newport News shipbuilding, we'll conduct a
15 series of tests to -- testing events to ensure that the
16 ship operates as performed, as it's being delivered to
17 the Navy.

18 Goals of this effort. Again, the
19 support renewal of our NMPA authorizations. We consult
20 under the Endangered Species Act and conduct analysis
21 under the Magnuson-Stephen's Fishery Conservation and
22 Management Act.

23 As I mentioned, we had previously
24 acquired authorizations. The final rules: We get and

1 MMPA of a five-year life span. The one we received in
2 January of 2009 for the Active Sonar Training EIS will
3 expire in 2014, January of 2014.

4 And that's what currently is driving the
5 time line of this effort to support the reauthorization
6 prior to January 2014. One of the other goals, again,
7 is going to be to consolidate six EIS's. One of the
8 comments we received during the past couple of years is
9 that there was a lot of documents being developed at
10 once. So this time around, rather than having a series
11 of six reauthorizations, six documents to support those
12 reauthorizations, we're putting everything into one
13 document and one effort.

14 Just as a quick note, there is a
15 companion effort underway on the West Coast where
16 they're doing a similar effort for Southern California
17 and Hawaii. So we're on a parallel time line, and we're
18 coordinating carefully with the West Coast Pacific
19 fleet in that effort, but there is a companion effort
20 on the West Coast.

21 This effort will conduct the necessary
22 analysis for those training and testing activities and
23 conduct the analysis for activities that are going to
24 be new and different than what we previously analyzed.

1 We're going to conduct the
2 environmental analysis to seek and get coverage under
3 MMPA, Endangered Species Act, and Magnuson-Stephens for
4 those at-sea activities, new weapons which may be
5 introduced prior to 2019.

6 We're going to achieve a more complete
7 integration of our training and testing missions
8 through this effort, utilize the best available
9 information, scientific information, and methods to
10 conduct the analysis. And, again, we're going to be
11 promoting Navy wide consistency. As I mentioned, we
12 have an effort underway on the West Coast that's
13 similar. The alternatives under the National
14 Environmental Policy Act, we have to analyze a
15 reasonable range of alternatives. We have a no-action
16 alternative which is to continue baseline training as
17 presented in those previous documents.

18 Alternative 1 will be that baseline plus
19 additional and new training and testing activities
20 which are proposed for the time frame between 2014-2019.
21 We'll be looking at, again, new weapons, new platforms,
22 new systems which will be introduced to the fleet.

23 And then our second alternative will be
24 the same as Alternative 1, but we'll look at a necessary

1 increase in tempo to support the training and testing
2 missions as well as any forestructure requirements,
3 relocation of Naval forces, new systems that may be
4 coming on board.

5 The resources we'll be analyzing under
6 this effort are a wide suite of resources from water
7 quality and sediment through fish, marine vertebrates,
8 marine vegetation, fish habitat, other marine habitats,
9 marine protected areas, public health and safety. But
10 you can all read it. But it is a document that touches
11 on all of those pertinent issues. The resources
12 analyzed of particular interest to this Council and the
13 members of the audience: essential fish habitat and
14 fisheries. We will conduct an EFH assessment -- will
15 be conducted concurrent with this effort and submitted
16 to the National Marine Fishery Service. And that
17 assessment will analyze any potential impacts on fish
18 habitat, essential fish habitat within the study area
19 and also any potential impacts on federally managed
20 species.

21 We'll be looking at habitat areas of
22 particular concern. And, again, we welcome the input
23 from the Council members, members of this audience, and
24 NMFS during this process.

1 Our cooperating agency will be the
2 National Marine Fishery Service, as they were a
3 cooperating agency in the previous documents that we
4 conducted. NMFS will be using this document to support
5 their decisions and the authorization. And, again,
6 they were our cooperating agency previously.

7 Our public engagement strategy. The
8 notice of intent has already been submitted, and the
9 light grayed out portion is in the past, but to let you
10 know that we've gone through that part of the process
11 where we had our scoping meetings and the public scoping
12 period ended 14 September.

13 We have a draft DIS which is being
14 developed now, and we expect that to be available to the
15 public about a year from now in December. So we've
16 given everyone good notice to keep an eye open for that
17 to come out and have that opportunity to review and
18 comment. We will have public hearings also upon the
19 release of the draft DIS to the public. The final EIS
20 will come out again after that, and, again, but in time
21 to support that reauthorization before January 2014.

22 We'll be looking to get the final rule
23 from NMFS on Marine Mammal Protection Act, and the
24 record of decision will be signed and made available in

1 the Federal Register.

2 Our project Schedule. We're looking to
3 right now release the draft DIS to the public in December
4 of 2011, about a year from now. Public hearings will
5 follow after that. We'll release the final in May of
6 2013 and the record of decision in 2013. It's a -- you
7 know, a fairly involved process. We started awhile
8 ago, but, again, this is what's needed to make sure that
9 we have those reauthorizations and any other
10 consultations in place to support the continued
11 readiness activities of the Navy.

12 There is a website that's available and
13 open now, www.aftteis.com. You can go to that website.
14 I encourage you all to go to that website to get more
15 information now on the process and our efforts. And
16 when we're in our public comment period, comments can
17 also be provided directly to the website or by letter
18 to the Navy. And in conclusion, I'd just like to make
19 sure that and request that the Mid-Atlantic and all the
20 fishery management councils -- again, we've been to the
21 Gulf Coast, and we intend to go to the Northeast and
22 Southeast -- let's remain engaged and participate in our
23 process.

24 Watch for the notifications of the draft

1 DIS release, and please, we encourage you provide
2 comments. And, at that point, I'll ask if there are
3 any questions.

4 COUNCIL CHAIRMAN RICHARD ROBINS:
5 John, I'd like to thank you for reaching out to the
6 Council very early on in this process --

7 JOHN VAN NAME: Yes, sir. Thank you.

8 COUNCIL CHAIRMAN RICHARD ROBINS: --
9 and providing us with this opportunity. Are there any
10 questions? John, thanks again.

11 JOHN VAN NAME: Okay. Thank you,
12 people, and have a good day and be safe with that weather
13 out there.

14 COUNCIL CHAIRMAN RICHARD ROBINS:
15 Thank you. And thanks for being with us today.
16 Several of our members are pressed in order to catch
17 flights, so I'm going to rearrange the reports a little
18 bit and go directly to Dr. Jim Weinberg. Jim.

19

20 NMFS NEFSC DIRECTOR REPORT

21 JAMES WEINBERG: Thank you very much,
22 Rick. I will give the report for the Northeast Fishery
23 Science Center. First I'll speak about stock
24 assessments and then go on to some survey activities.

1 The SARC 51 just took place in Woods Hole, and loligo
2 squid, and three hakes were also on the agenda. I'll
3 be reporting on those results to you at your next Council
4 meeting.

5 SARC 51 is scheduled for June of 2011 in
6 Woods Hole, and we have three winter flounder stocks
7 scheduled for benchmark assessments at that meeting.
8 In addition, this year we'll be completing TRAK
9 assessments of the Georges Bank groundfish; and we have
10 also committed to doing the updates of the Mid-Atlantic
11 stocks, such as bluefish, black sea bass, scup, fluke,
12 and dogfish.

13 Now, we are also on our agenda we have
14 some work to do for the New England Fishery Management
15 Council for their multi-species biannual updates. And
16 that's in discussion right now, the extent of work that
17 we'll be doing there. But that could potentially have
18 some impact on these other commitments.

19 One thing of note for this Council has
20 to do with dogfish. There was an issue where there were
21 some inconsistency between the overfishing definition
22 and the projections, and the Center has committed to
23 doing that work and will be responding to a letter from
24 Rick Robins indicating that we will do so. The SARC 53,

1 which will be in December of 2011, has black sea bass
2 scheduled for a benchmark assessment as well as Gulf of
3 Maine cod.

4 Then, let's see, going to the survey
5 activities. The 2010 fall bottom trawl survey took a
6 little longer to complete this year than usual because
7 of rough weather, but it was completed on December the
8 3rd.

9 As a result of the survey taking longer,
10 the data won't be available as early as it normally would
11 be. So the data will take some time to be fully audited
12 and will be available for analysis by late January or
13 early February.

14 The 2010 herring acoustic survey took
15 place with a more extensive spacial coverage than in
16 recent years. We also have a couple of gear studies
17 ongoing to compare the cookie sweep with the rock hopper
18 sweep.

19 And the Department of Fisheries and
20 Oceans Canada is also doing some studies with us to see
21 if the net which we use on the Bigalow would also be a
22 good net for them to use in their surveys. And that
23 would provide consistency in the methods that are being
24 used all the way from North Carolina up north into

1 Canadian waters.

2 Looking ahead to surveys which are
3 upcoming, the spring bottom trawl survey is scheduled
4 to begin on February the 28th; the sea scallop dredge
5 survey will begin on May 11th; the clam dredge survey
6 will begin on July the 5th; and the northern shrimp
7 survey will begin on July the 18th. And that concludes
8 my report. I'd be happy to answer any questions.

9 COUNCIL CHAIRMAN RICHARD ROBINS: Jim,
10 thank you. And I just wanted to follow up on a couple
11 of issues with respect to the scheduling of updates and
12 assessments. The updates are all scheduled now for
13 2011 for summer flounder, scup, black sea bass,
14 bluefish, spiny dogfish; and additionally, we'd be
15 hopefully getting an updated OFL in that time frame.

16 And then next winter we'll have a
17 benchmark assessment on black sea bass. And hopefully,
18 that assessment will get into some of those questions
19 that we've been wrestling with about potential stock
20 structure, et cetera.

21 JAMES WEINBERG: Yeah. All of that is
22 correct as far as I know at this moment. But in my
23 report, I indicated that we're having discussions with
24 the New England Council regarding what they will expect

1 us to do this spring. And that's something that was
2 never quite pinned down in our NRCC discussions, and
3 we're continuing to have those discussions. And at the
4 moment, I don't expect it to impact the Mid-Atlantic
5 update.

6 COUNCIL CHAIRMAN RICHARD ROBINS: And
7 you'll remind them that the updates aren't negotiable.
8 Right? Questions for Jim? Okay. Thank you very
9 much. Greg.

10 GREG DIDOMENICO: Thank you, Mr.
11 Chairman. Greg DiDomenico, Garden State Seafood
12 Association. Jim, you mentioned about the timing of
13 the fall survey data. You said late January they could
14 be available? Is that what you said?

15 JAMES WEINBERG: Yeah. Russ Brown
16 said late January or early February.

17 GREG DIDOMENICO: Okay. Is it
18 possible that we could -- it would be greatly beneficial
19 to this butterflyfish bycatch cap issue and the ongoing
20 specs. process if we could have the numbers from the fall
21 survey.

22 We're currently not in the rule making
23 process, but tomorrow the proposed -- the comments on
24 the proposed rule are due at 5 p.m., and certainly in

1 years past, the agency has taken 30 days or 60 days from
2 that time to make the final specs. package and final
3 rule. It would be greatly beneficial to have the fall
4 survey numbers because we're hearing anecdotally that
5 butterfish are -- we're got -- everybody knows that a
6 good recruitment vent for butterfish could have a very
7 significant impact in a given year, and we certainly
8 believe that we're going to have a very difficult time
9 under the 1500 metric ton proposed specs.

10 Certainly, we believe that there's
11 going to be a serious impact on the loligo fishery. We
12 think that it would be best and most beneficial to many
13 states, many fishermen who are relying on the loligo
14 fishery to have that information analyzed and be
15 considered in the specs. package in the specs. process.
16 Can that be accomplished?

17 JAMES WEINBERG: All I can do is pass
18 along your request. But my feeling right now is that
19 the data will not be audited until the date that I
20 indicated. And I can -- I'd also like to caution you
21 about using unaudited data because in addition to having
22 to audit the data simply to make sure they're correct,
23 there are now issues with calibration between the
24 Bigalow and the Albatross, as you know.

1 So the butterflyfish assessment is not
2 simply looking at the survey index. So having those
3 data may be a guide to what's going on in the stock, but
4 that's not the same as doing an update or a benchmark
5 assessment.

6 GREG DIDOMENICO: We totally
7 understand, Jim. And I'm glad you said that actually
8 because one of the most important points here is that
9 right now we have a 1500 metric ton specs. quota moving
10 forward. That 1500 metric tons I know is a result of
11 the SSC, stock assessment, et cetera. But not but four
12 or five years ago we had a 4500 metric ton quota.

13 It was lowered to discourage a directed
14 fishery. Quite frankly, if we discouraged the directed
15 fishery through regulatory management, which we did,
16 and trip limits, et cetera, we would have discouraged
17 a directed fishery and never reached the quota.

18 We did both. We lowered the quota to
19 1500 metric tons, which is what is it right now. The
20 SSC had a range of options including many options higher
21 than 1500 metric tons. And quite frankly, the risk to
22 the fleet on this issue is eminent, and it's serious.

23 And I certainly think it's worth
24 supporting, asking or requesting the Agency to take a

1 look at this data, to get it analyzed. We've got time
2 to do it. And all I can ask for as the Council: This
3 is a tremendous issue for states -- from fishermen from
4 states that I'm speaking on behalf of from North
5 Carolina, New Jersey, New York, Rhode Island,
6 Connecticut. And I would really ask the Council
7 consider requesting the Agency make this a priority.
8 Thank you very much.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Thank you, Greg. Pete Himchak.

11 PETER HIMCHAK: Yes. I was going to
12 bring this up under continuing and new business, but
13 it's good now because who knows who's going to be left
14 when we get to that part of the agenda.

15 But, yeah. And you and I have exchanged
16 e-mails on this issue, and, again, the urgency of this
17 is -- if you get good news and you get good biomass, then
18 it's going to work against you 'cause it's going to shut
19 down a fishery sooner in 2011 on butterfish.

20 So, I mean, you said you'll put in the
21 request to accelerate the data analysis as quickly as
22 you can. Would it not help if the Council put in its
23 request to you, sort of fortify your -- again, we're
24 trying to heighten the urgency of an issue that could

1 have severe consequences.

2 JAMES WEINBERG: Yeah. And I
3 appreciate the e-mails that we've exchanged. It was
4 good to take care of that ahead of the meeting to
5 understand what was available and what we could do in
6 a sense. As I said, I can pass along this information,
7 but as I've indicated in the e-mail and then again to
8 Greg, the data quality are an issue. So releasing data
9 that have not been audited is -- and it's actually
10 happening very quickly, given the improvements that
11 we've made in our programming. But, yes, the answer is:
12 If your Council feels that that is a priority and writing
13 a letter to the Center to get those data more quickly,
14 I think that would be a reasonable approach. But I'm
15 not sure that you're going to actually get the results
16 any faster than what I've indicated already in my
17 answers.

18 COUNCIL CHAIRMAN RICHARD ROBINS:

19 Pete, go ahead.

20 PETER HIMCHAK: Mr. Chairman,
21 recognizing -- well, if you don't send a letter, you know
22 you're not going to get any action. So, if the Council
23 is amenable to heightening this to a priority status,
24 I have a motion prepared that I could get to Jim to put

1 up, but if the Council is amenable to supporting a letter
2 which essentially if they could expedite processing of
3 the information because of the imminent threat to loligo
4 fishery if the cap should be -- if butterflyfish abundance
5 should be high, and then the cap would be reached that
6 much sooner. I'd rather just do it on a friendly
7 Council basis unless there's objection from other state
8 representatives.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Yeah, Pete. If there's no objection of the Council, I
11 think we can do that by consent to simply ask that that
12 information be forwarded as quickly as possible for
13 consideration by the regional office and specs setting.
14 Okay? Thank you very much for the report. Any further
15 questions for Dr. Weinberg? Okay. Seeing none, I'll
16 go to Joel MacDonald.

17

18 NOAA OFFICE OF GENERAL COUNSEL REPORT

19 JOEL MACDONALD: Thank you,
20 Mr. Chairman. I have a few items. The First one of
21 which is a update on a Cape Wind farm litigation. This
22 is a lawsuit over the construction of a wind farm in
23 Nantucket Sound.

24 The plaintiffs -- I think I reported

1 this to you some time ago -- the plaintiffs convinced
2 the court to add NMFS as a defendant in this lawsuit.
3 The principal defendant is the BOEMRE. That's New
4 Mineral Management Service.

5 The plaintiffs with respect to the
6 Fishery Service alleged that the Fishery Service had
7 violated the Endangered Species Act because they had not
8 reinitiated consultation over the wind farm; however,
9 NMFS had reinitiated consultation over the wind farm
10 about a couple of days before the plaintiffs filed a
11 complaint, so we filed a motion to dismiss.

12 It was opposed by the plaintiffs, and we
13 just filed our reply brief to their opposition last
14 Friday. So who knows where that's going to go. And it
15 seems that it's a mute issue, given that consultation
16 has been reinitiated. New York versus Locke. You may
17 recall that we had a sort of triumvirate of lawsuits from
18 New York and the United Boatmen concerning the 2008 and
19 2009 summer flounder recreational measures. The court
20 ruled in our favor on the 2008 measures. That was Judge
21 Nina Gershan. And United Boatmen following that
22 withdrew their challenge to the 2009 summer flounder
23 recreational measures. New York decided that it was
24 more timely to do that after the election, but they

1 ultimately did withdraw the lawsuit, so we have no
2 summer flounder lawsuits on the books at this point,
3 which is quite unusual.

4 Moving on to the Madeline Green versus
5 Locke case, this is a challenge to the Agency's decision
6 to deny TAL fish IFQ permits to the plaintiff's vessels,
7 the FP, the Gipper and the Provider III. Essentially,
8 if you may recall, when we set up the criteria for
9 getting an IFQ permit for -- you know, participating in
10 some of the tiers, you had to have landed 25 percent of
11 the average landings of the vessels participating in
12 that category. Based upon our record search, these
13 vessels did not meet that threshold. The plaintiff's
14 original complaint was dismissed by the court -- I know
15 I've reported that to you -- the reason being the
16 plaintiff's attorney challenged the final rule
17 implementing Amendment 1 to the tile fish plan which
18 contained the IFQ program. He made the challenge to
19 these regulations that were published in August of 2009
20 in February of 2010. You may recall that in Section
21 305F of the Magnuson Act is what's referred to as a
22 statute of limitation which says you have to challenge
23 these actions or regulations within 30 days of
24 promulgation. Well, obviously, we got that dismissed

1 based upon that ground.

2 In making the dismissal, the judge
3 virtually invited the plaintiff to file and amended
4 complaint, which the plaintiff did; however, the
5 amended complaint is even a little more strange than the
6 initial complaint in that the plaintiff alleges
7 violations of the Information Quality Act, the Federal
8 Torts Claims Act, and the Freedom of Information Act
9 as the basis for reversing the Agency's decision. We
10 are again filing a motion to dismiss this amended
11 complaint 'cause there's no citizens suit under the IFQ
12 act. He hasn't followed procedures with respect to
13 claims out of the Federal Torts Act, Claims Act. And
14 with respect to FOIA, we didn't deny any documents to
15 the plaintiff. In fact, there were a number of FOIAs
16 submitted. The original one asked for all the original
17 VTRs and dealer reports, the paper filings, which were
18 largely in archives. The process under FOIA many of you
19 may know is you don't search for records; you do a fee
20 estimate. So the fee estimate sent to the plaintiff's
21 attorney was for several thousand dollars.

22 Which immediately -- (inaudible) --
23 modified his request to the computer database that
24 contained all of the landings information. What NMFS

1 does -- I've only come to learn this because of the
2 lawsuit is they scan all these documents. So when
3 there's a search for these landings data, they pop up
4 the screen, and it's sort of split.

5 On one side they have an electronic
6 document that captures all the data fields in the
7 scanned VTR, which appears on the right side of the
8 screen. I'm not sure left or right.

9 But anyway, you can do a comparison, so
10 you know, if there are inconsistencies, you can pick
11 them up. Or there may be some trigger that would cause
12 you to go further and maybe look at the associated dealer
13 records with that vessel for that period of time. So
14 there are checks going on.

15 So we can't figure out the basis for this
16 claim, and we're just trying to -- has not established
17 a claim under FOI or any of these others, which is a basis
18 for relief. So that's going to be interesting to see
19 where we go with that.

20 The next case is the Martha's Vineyard
21 Dukes County Fishermen's Association versus not only
22 the Agency but the ASMFC. Vince is familiar with this
23 one. It's a challenge to the alleged failure of us and
24 the Commission to manage shad and river herring by

1 either amending existing FMPs or the interstate FMP or
2 putting in place a federal FMP or regulations under the
3 Atlantic Coastal Fishery Cooperative Management Act.
4 We filed a motion to dismiss this complaint on November
5 22nd, and we haven't heard back from the court.

6 The argument we had is there is really
7 no claim, which the judiciary could take cognizance up
8 there. I don't know what the board's going to do with
9 this. There are a few updates on some of the Amendment
10 16 cases.

11 The judge denied our motion to move the
12 Oceanna case that challenges Amendment 16 to Boston.
13 You may recall that we have already been able to
14 consolidate both the New Bedford case and the Luvgren
15 case, and we've filed our administrative record and the
16 answer to two of those cases. Okay.

17 The plaintiff's motion for summary
18 judgement has also been filed. Our motion for summary
19 judgement in response to the plaintiff's motion is due
20 January 28th.

21 And finally, in the Western Sea versus
22 Locke case, this is a case involving Amendment 1 to the
23 herring fishery. You may recall that if someone bought
24 a vessel which had a number of permits including a

1 herring permit, which is an open access permit, and then
2 split it off and sold the boat back let's say to the
3 previous owner and kept the permit history for the
4 purposes of qualifying for a herring permit, the New
5 England Council has put some proviso relative to the
6 preexisting permit splitting provision that disallowed
7 that.

8 And the court found in favor of the
9 plaintiffs, and we have filed our appeal to the judge's
10 decision invalidating that permit splitting decision.
11 And that's it, Mr. Chairman.

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 Thank you, Joel. Questions for Joel on his report?
14 Howard.

15 HOWARD KING: To Joel and maybe to
16 Vince, the states were also mentioned in the river
17 herring lawsuit. And is that thing coordinated through
18 you or through ASMFC?

19 JOEL MACDONALD: Probably Vince has a
20 better answer to that. I think Vince is overseeing it.

21 VINCE O'SHEA: Thanks, Mr. Chairman.
22 The answer is yes. The ASMFC report I was going to
23 mention that on Tuesday night. The plaintiffs amended
24 their complaint to add the 15 governor appointed

1 commissioners in their official capacity as ASMFC
2 commissioners to the 15 named state administrators who
3 were named in the original lawsuit. So we now have the
4 ASMFC and 30 of our commissioners named in the lawsuit.
5 And so not only are we coordinating with the Department
6 of Justice, but we're also trying to coordinate with 15
7 attorney generals offices from Florida to New York --
8 I mean Florida to Maine. Thanks.

9 COUNCIL CHAIRMAN RICHARD ROBINS:
10 Pete.

11 PETER HIMCHAK: Just a quick question
12 to Vince. Vince, it is peculiar that the governor's
13 appointed commissioners were included but not the
14 legislative -- I mean the third commissioner from each
15 state. Isn't it rather peculiar?

16 VINCE O'SHEA: Actually, Mr. Chairman,
17 no. Our initial motion to dismiss, which we filed about
18 two weeks ago, said that the 15 administrative
19 commissioners need to be let off the hook because even
20 if they agreed to any of the stipulations or relief that
21 the plaintiffs had sought, those 15 commissioners would
22 not have the power to direct ASMFC to carry out the
23 relief, since it was only 15 commissioners.

24 So these guys picked up on that and did

1 the math and said, well, let's add the governor
2 appointee guys, and now we've got 30 commissioners, and
3 that would be theoretically a controlling group of
4 commissioners. And I think they also were a little bit
5 concerned about the potential of bringing suit against
6 legislators. There's certain legal protections on
7 that. They've already dropped the immunity claim
8 against the -- they've modified the suit against the
9 administrative commissioners.

10 Previously, they said in their capacity
11 as state directors and realizing there's 11th Amendment
12 sovereignty issues against trying to sue those guys.
13 They've dropped that capacity and just limited the
14 administrative commissioners as their roles as ASMFC
15 commissioners. Sorry for going on and on, Mr.
16 Chairman. It's fascinating.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Thank you, Vince. Other questions for Joel or comments
19 for Joel? Okay. Seeing none -- I know we still have
20 some other folks that have to catch a flight, so I'm
21 going to go to Tim Donovan for OLE.

22

23

NMFS FEDERAL ENFORCEMENT REPORT

24

TIM DONOVAN: Thank you, Mr. Chairman.

1 Tim Donovan, Hackensack, OLE, Northeast Division.
2 I'll be brief, sir. Just a quick rundown on some
3 numbers for 2010. Total incidents that the agents
4 looked at were 658 total incidents. And those aren't
5 all (inaudible) cases.

6 But when I looked at the actual case
7 data, 80 percent were the cases were Magnuson cases,
8 which is kind of a breakdown we hope to see when we look
9 at our case packages. That was about 125 cases actually
10 were opened. We had six criminal referrals during that
11 time frame. Three of them were Lacy violations.
12 They're still ongoing. On the other side, we've made
13 some changes in how we handle certain issues.

14 There's a press release out, but I'll
15 give you a quick breakdown. We did bring on a
16 compliance assistant's position. Right now it's
17 currently filled by Don Mason for the Fisheries
18 Statistics Office, and it's a TDY appointment as we look
19 at growing that program.

20 In addition, we've picked up a
21 contractor. Her name is Sheila Johns. And she's going
22 to be working with the enforcement office to increase
23 and improve our outreach efforts. And we're going to
24 coordinate that with the regional office communication

1 team.

2 And this is a primary result of the IG
3 review and some feedback that we had in how we can better
4 do our job. Additionally, we're in the final stages of
5 reviewing the applications to hire eight uniformed
6 officers.

7 One of them will be down in the Cape May,
8 New Jersey area. The rest of them primarily in New
9 England working catch share activities. I expect to
10 make those selections early January, and depending on
11 training and whatnot, boots on the ground sometime
12 probably during the summer. Today is the day that we
13 close the directors vacancy announcements. I have on
14 good authority that we have some good candidates. So
15 hopefully, early 2011 we'll have a new director in
16 place, and Alvarez and Hoover will move on to some
17 additional activities. We're also in the
18 final stages of collecting feedback on our priority
19 process setting. I myself have picked up quite a few
20 comments on the regional level, and I know headquarters
21 is looking for national level. The next couple months
22 we're going to take all that information and try to
23 decide what we're going to do with it. And March 1st
24 is the time frame that we have to set that out for public

1 comment.

2 And I'll make sure that the councils are
3 actively involved in receiving that public input as we
4 look at those actual processes. The final thing I had
5 to mention was the IG review aspect was primarily done.
6 One of the follow-up activities was Secretary Locke
7 selected a Judge Swartwood of Massachusetts to do a
8 review, a penalty review, on about at least 19 cases,
9 although, that's really up to the Special Master. But
10 right now that's ongoing, and that was, again, looking
11 more at the penalty issues. I don't know if Joel had
12 mentioned earlier, but general counsel is also in the
13 public comment stage. I think that ends at the end of
14 this month as well reviewing that bounty process. At
15 that point, that concluded my report, Mr. Chairman.
16 I'm available for any questions.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Questions for Tim? Okay. Thank you. At this point
19 we're going to take a 10-minute break. People need an
20 opportunity to check out. And let's come back at 11:35.

21 (Break: 11:20 a.m. to 11:41 a.m.)

22 COUNCIL CHAIRMAN RICHARD ROBINS:
23 I'd like to consider the minutes from the last two
24 meetings. We have to approve the minutes from the June

1 meeting as well as the October minutes.

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APPROVAL OF MINUTES

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COUNCIL CHAIRMAN RICHARD ROBINS: Have you all had an opportunity to review those minutes? Are there any comments, corrections, additions to the minutes? Gene.

8

9

EUGENE KRAY: I move for acceptance of both minutes, June and October.

10

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COUNCIL CHAIRMAN RICHARD ROBINS: Well, if there aren't any corrections, they'll just stand as submitted. Okay. Thank you very much. Pat, would you mind going forward with your report?

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NMFS NERO REGIONAL ADMINISTRATOR'S REPORT

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PATRICIA KURKUL: Yes, sir. So, on specifications for Atlantic mackerel, squid, and butterfish, the proposed rule was published on November 17th, and the comment period will close on the 17th, which is tomorrow I think. The proposed specifications in management measures are consistent with the Council's recommendations. Summer flounder, scup, and black sea bass, the proposed rule for the specifications

1 for the commercial quota and the recreational harvest
2 limit published on November 17th. The comment period
3 on that closed on December 2nd. And, of course, we're
4 still working on final rule.

5 Atlantic surfclam minimum size on
6 October 26th we suspended the minimum size for surfclams
7 at the request of the Council. Also on surfclams and
8 ocean quahogs on December 8th we withdrew the proposed
9 rule that was published on June 30th to solicit public
10 comment to reopen a portion of the Georges Bank closed
11 area known as Cultivator Shoal to the harvest of
12 surfclams and ocean quahogs. We published the rule in
13 response to a request from the Food and Drug
14 Administration. We received -- during the comment
15 period on the rule, though, we received substantive
16 comments from experts in PSP that cautioned against
17 reopening in particular without a rigorous testing
18 protocol to ensure that the clams from the area remain
19 safe for human consumption. So we agreed that such a
20 testing protocol is necessary. We didn't have the
21 authority to implement one independently, and so we have
22 sent a letter to the Council suggesting that the Council
23 may want to consider revising the surfclam and ocean
24 quahog amendment to implement a testing protocol that

1 will allow us to reconsider the issue of reopening the
2 Cultivator Shoal area.

3 We also on surfclams and ocean quahogs
4 published a rule to maintain the temporary PSP closed
5 area off of New England. This rule was published at the
6 request of the FDA. It was published as an emergency
7 action in the Federal Register on December 8th and this
8 extends the temporary PSP closure through December 31,
9 2011. On Atlantic sea scallops, we sent out a notice
10 recently that the observer compensation rate in the
11 Delmarva sea scallop access area will be reduced from
12 180 pounds per day to 125 pounds per day for the limited
13 access vessels. The adjusted rate for limited access
14 vessels will be effective for all observed Delmarva
15 scallop trips that begin on or after the 15th. They
16 made this adjustment to ensure that the access area
17 set-aside is not exhausted prior to the end of the 2010
18 fishing year.

19 We found that the scallop fleet activity
20 has increased and trip lengths increased in this area
21 during the month of November relative to the activity
22 in trip lengths from March through August. As a result
23 the observer set-aside was being harvested more quickly
24 than expected; however, the compensation rate of 125

1 pounds the additional poundage allotted vessels with an
2 observer on board is still expected to continue to cover
3 the estimated observer cost assuming in it a scallop
4 price of approximately \$7.20 a pound. Let's see. And
5 that's all I have, Mr. Chairman.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 Thank you, Pat. With respect to the PSP issue with
8 surfclams, you indicated that a Council action would be
9 necessary to consider that question, and I just for my
10 own familiarity, I just wanted to know: If we passed
11 a protocol, for example, related to that as a regulatory
12 measure in the FMP, who would be responsible for the
13 administration of that monitoring?

14 PATRICIA KURKUL: Joel's left; right?
15 Okay. So I get to give the legal advice, too. It would
16 implement a protocol and would essentially -- I think
17 the way I understand it, anyway, is that the protocol
18 would most likely be consistent with the protocol that
19 they've been using now on a voluntary basis and working
20 with the FDA on and that the regulations would
21 effectively say that as long as the states and the
22 industry complied with the protocol, then the area could
23 remain open. If for some reason the testing wasn't
24 happening, then we'd likely have to shut the area again.

1 That's how I understand it anyway. But Joel would
2 probably be a better person to answer the question.

3 COUNCIL CHAIRMAN RICHARD ROBINS: I'm
4 just wondering where the oversight of that would fall.
5 In other words, is that FDA or seafood safety
6 inspection?

7 PATRICIA KURKUL: No. I think it would
8 probably be up to us to be monitoring that the protocol
9 was being -- it had been implemented and was being used,
10 us meaning National Marine Fishery Service.

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Thank you. Lee.

13 LEE ANDERSON: As chairman of the
14 Surfclam Committee, I'm here to report that we're going
15 to take action on this right away. So whatever it takes
16 to get started we'll be working with your folks. But
17 I'm going to assign the staff to start working on it on
18 how to set this up, who to talk to. I hope to have it
19 tied into the other, the ongoing amendment without
20 slowing us down. How's that?

21 PATRICIA KURKUL: That sounds great.
22 And I know that George and Tom have already had some
23 conversations and are moving forward.

24 COMMITTEE CHAIRMAN RICHARD ROBINS:

1 Thank you, Pat. Questions for Pat of her report?
2 Erling.

3 ERLING BERG: Thank you, Mr. Chairman.
4 I know there was fishing activity going on on the
5 Cultivator Shoal earlier this year. Is that still
6 ongoing, or did they leave the area?

7 PATRICIA KURKUL: The pilot project is
8 still ongoing. So FDA and the industry is still working
9 using this voluntary protocol.

10 COUNCIL CHAIRMAN RICHARD ROBINS:
11 Additional questions? Pat, thanks again. Kevin, can
12 I ask you to give your Coast Guard report.

13

14 U.S. COAST GUARD REPORT

15 KEVIN SAUNDERS: Thank you, Mr.
16 Chairman. Since our last meeting, the Coast Guard has
17 upped their boardings 30 percent to 164 boardings for
18 the last two months. Our observed compliance rate has
19 actually increased, so the number of violations has gone
20 down. One thing to point out is we changed our emphasis
21 a little bit. We've noticed that there's basically
22 gaps of fishing vessels that we have not looked at in
23 a long time. We've had our priorities set in certain
24 -- in certain fisheries so long that we decided to change

1 up a little bit. And while it hasn't resulted in more
2 fisheries violations, we could see under the
3 significant violations summary, what we did find was a
4 75.5 violation on a (Inaudible) boat, and that same boat
5 had over 50 safety violations, which is -- it's pretty
6 much everything on the checklist that they look at. So
7 please spread the word to your fishing communities that
8 even if you don't get boarded a lot safety is a major
9 concern especially when we come up in this winter
10 period. There's a little blurb on the back of the sheet
11 about how icing could affect stability -- it's
12 appropriate for today -- but affect the stability of the
13 vessel as its operating.

14 So, in addition to the 75.5 violation,
15 we've had two marine protected species supports. One
16 was mentioned there. It's the more interesting one.
17 The second one was just that we helped identify a whale
18 that was deceased up in New Jersey. So, for this next
19 period until our next meeting, our emphasis has once
20 again changed, and we actually have three operations
21 going on. Two of them specifically are for the right
22 whale speeds zone special management area enforcement.
23 And there's an educational component as well as an
24 enforcement component for both these ops., and the

1 second one, of course, is for the striped bass. So
2 going along with that we have a pretty significant
3 public outreach going on. Hopefully, you guys can hear
4 about that from the people on the dock. And one of the
5 things we're doing is we initiated -- and it's only going
6 to be in place until October -- but a striped bass hot
7 line where people could call up -- you know, tell us
8 what's going on, trends in the fishery and whatnot or
9 whatever they feel like. And that's anonymous. So you
10 know, if you'd like that number, I can provide it to you
11 after this. Or hopefully you'll hear about it from the
12 people on the dock. So that's all I have, Mr. Chairman.
13 Thank you.

14 COUNCIL CHAIRMAN RICHARD ROBINS:

15 Thanks, Kevin. Questions for Kevin on his report?
16 Okay. We'll go to the Executive Director of the ASMFC.
17 Vince.

18 _____
19 ASMFC EXECUTIVE DIRECTOR REPORT

20 VINCE O'SHEA: Good morning, Mr.
21 Chairman, and thank you very much for your hospitality
22 this week. And I also appreciate your efforts
23 yesterday at the joint Board meeting trying to help us
24 get a resolution.

1 I have a report of the Commission's last
2 meeting in Charleston, Rhode Island in the briefing
3 book, and I'd like to thank my fellow Executive
4 Director, Dr. Moore, for including that in the book. I
5 also appreciate the large table that we had yesterday
6 to accommodate our state commissioners.

7 The only two things that were in that
8 report that may be of interest -- I mean there's a lot
9 of stuff that may be of interest, but significantly the
10 Board took -- THE Striped Bass Board decided not to take
11 action on the addendum to increase the commercial quota
12 of striped bass.

13 And what's significant about that is we
14 had a lot of public comment, particularly from folks in
15 the northern range of the species, Gulf of Maine,
16 complaining about the availability of striped bass; and
17 we also received information at the last three years
18 worth of recreational harvest has gone down
19 substantially. And there were concerns around the
20 table of perhaps initiating action to reduce -- to put
21 additional restrictions on the recreational fishery.
22 Those ideas never made it to the microphone because of
23 the press of time, but I suspect that the next time the
24 Board meets we're going to be looking at that.

1 And the other issue that's of concern is
2 tautog. As you know, Mr. Chairman, tautog's
3 overfished. Some of the state surveys are indicating
4 that the existing regulations are not meeting the F for
5 rebuilding, so suggesting we're overfishing that
6 species.

7 And of concern was yesterday we heard a
8 lot from the fishermen that were here that their
9 response to black sea bass constrictions are going to
10 be to shift over and target tautog. And that's
11 obviously of concern.

12 We've had almost 15 years of
13 recommendation from the Technical Committee to reduce
14 the F on tautog to .15. And our existing regulations
15 if they worked would give us an F of .20, and we're
16 probably fishing it at .25 or even higher.

17 And the biomass is a third of what the
18 target is. So overfished and most likely overfishing
19 occurring. And hopefully we'll take some action on
20 that in the coming year. We already gave you an update
21 on the litigation, Mr. Chairman, and I think that's all
22 I have to report. And, again, thank you very much for
23 your hospitality. I'm very happy to be here this week.
24 Thank you.

1 COUNCIL CHAIRMAN RICHARD ROBINS:
2 Vince, thanks for being with us. I appreciate it.
3 Questions for Vince of his report? Okay. The next
4 report is the New England liaison. And I attended the
5 last meeting, Council meeting, and that report is behind
6 Tab 11 in your book. I'll hit a few of the highlights.

7

8 NEW ENGLAND COUNCIL LIAISON REPORT

9 COUNCIL CHAIRMAN RICHARD ROBINS: The
10 Groundfish Committee met, and the Council agreed to
11 review their priorities for the coming year. And so
12 those include a number of actions on the groundfish plan
13 including Framework 46 and 47.

14 One of those will address the haddock
15 bycatch cap in the herring fishery. As you might know,
16 that's a very low percentage of the quota, about
17 two-tenths of one percent until it's potentially
18 constraining on the herring fleet. And they're going
19 to review that.

20 They're also going to address fleet
21 diversity and accumulation caps. There will be some
22 definition of an excessive share, which is something
23 similar to what we're dealing with in surfclams right
24 now. They're also going to review lessons learned from

1 their sector management plan. On monkfish they have
2 Amendment 6, as we all saw last night to try to complete
3 or develop Amendment 6 for consideration for catch
4 shares.

5 They're also initiating a skate
6 framework, and that will be designed to change the trip
7 limit on skates. The fishery caught its quota very
8 quickly because of the higher trip limit this year.

9 And so we're looking to string the
10 season out because all the skate processors and
11 fishermen ended up tied up at the end of the season
12 prematurely because of that. So they'll be reviewing
13 that in a framework.

14 Scallops will have Framework 23, and the
15 Council agreed that after Framework 23 is complete, that
16 they would initiate Amendment 16 to develop IFQs for the
17 sea scallop limited access fishery.

18 And that's a major development relative
19 to where we just were for the last three years arguing
20 over Amendment 15 which would have allowed leasing
21 and/or stacking.

22 That failed, as you may recall, I
23 believe two meetings ago. So they're going to move
24 forward with the development of an IFQ program. And

1 that will be a context in which some of the concerns that
2 came up about stacking could be handled in a better way.
3 So that will be a long process to develop in New England.
4 There also work habitat amendment and continuing to work
5 on Amendment 5, to the herring FMP.

6 That's of significant interest to our
7 Council now as we move forward with 14 in our SMV plan.
8 And they're trying to have the public hearing document
9 ready or options that are going to be in that by the end
10 of January of next year.

11 And I don't know if it will make that
12 schedule or not. I know Howard and Erling have been
13 representing us on that committee, and that committee
14 has a meeting, I believe, next week and another one in
15 January.

16 We're going to try to schedule a meeting
17 of our SMV Committee prior to their January meeting so
18 that we can at least let them have a complimentary look
19 and preliminary look at where we are on 14 at that point.
20 I think those are probably the relevant highlights. If
21 there are any questions, I'd be glad to try to address
22 them. Okay. Seeing none, I'll go to Red Munden for
23 South Atlantic.

24

1 SOUTH ATLANTIC COUNCIL LIAISON REPORT

2 RED MUNDEN: Thank you, Mr. Chairman.
3 I attended the South Atlantic Council meeting in New
4 Bern, North Carolina last Tuesday through Thursday, and
5 Rick Robins and Chris Moore joined me for a couple days
6 to see how the South Atlantic Council operates. And
7 most of the meetings were devoted to the development of
8 annual catch limits and accountability measures for
9 mackerel and snapper grouper species.

10 You may recall that king mackerel and
11 Spanish mackerel are actually managed by the Gulf
12 Council, although it's a joint plan between the South
13 Atlantic and the Gulf Council.

14 The first action relative to mackerel is
15 they decided to remove all species from the coastal
16 pelagic fisheries management plan except king mackerel,
17 Spanish mackerel, and cobia. They have some other
18 species were mixed in, cerro and several others.

19 They said, well, we need to focus on the
20 king mackerel, Spanish, and cobia. So they moved ahead
21 to develop ACLs and AMs for the public hearing document.

22 And unlike the Mid-Atlantic Council
23 where we have often times a range of accountability
24 measures, one of the things that the South Atlantic is

1 hampered by is that the regional administrator doesn't
2 have the authority through the fisheries management
3 plans to make in-season adjustments. And so often
4 times their accountability measures are responsive
5 rather than precautionary measures. And as an example
6 for the king mackerel that you would find on the Atlantic
7 migratory group, the commercial accountability measure
8 is to prohibit harvest possession and retention when the
9 quota is met and to prohibit purchase and sale when the
10 quota is met. But they don't have the reporting systems
11 that we have, and it takes them a long time to determine
12 when the quota has been met.

13 For the recreational fishery for king
14 mackerel, the accountability measure is to reduce the
15 bag limit the following year. And Dr. Crabtree made the
16 point that -- you know, sometimes these fisheries could
17 go over by a factor of three during a fishing year before
18 they could respond to that.

19 Accountability measures for Spanish
20 mackerel are basically the same: to prohibit the sale
21 and purchase and possession of Spanish mackerel when the
22 quota has been harvested and to look at reducing the bag
23 limit the following year.

24 One thing that would be of significance

1 to the Mid-Atlantic Council -- and, of course, these are
2 all proposed measures, so they can get preferred
3 alternatives, so these will appear at some later point
4 in time in a public hearing document; but their preferred
5 alternative for Spanish mackerel is to reduce the bag
6 limit from 15 fish to 10 fish. And my notes are unclear,
7 but for cobia I think their preferred option was to
8 reduce the possession limit from two fish to one fish.
9 I know it was discussed, and I didn't make a note of that.
10 But they are looking at adjusting the harvest of cobia.

11 On Wednesday, December the 8th, we moved
12 into snapper grouper, and again, the Council Committee
13 went through and selected the preferred alternatives
14 for ACLs and AMs for inclusion in the public hearing
15 document for snapper grouper.

16 You may recall that usually they have
17 about four amendments up in the air at the same time.
18 So we talked about 17B, 18A, 18B. And I'll talk to you
19 about those in a minute.

20 We come back to accountability measures
21 and for dolphin they were talking again about overruns,
22 and so I made a suggestion that they might consider
23 taking an approach similar to the Mid-Atlantic Council
24 and that was to give (inaudible) to the regional

1 administrator to make in-season adjustments based on
2 data available at hand. And they debated that for a
3 minute, and they said, well, that sounds like a
4 reasonable approach. So I made the motion to do that
5 for dolphin thinking that they may apply that also to
6 snapper grouper species and others, but they just let
7 it run for dolphin. And then later during the
8 discussion we were talking about wahoo. I suggested
9 also they might want to take the same approach. And
10 they said, well, for wahoo we're only talking about one
11 fish, a bag limit of two fish and we're talking about
12 reducing it down to one. So that's about the only
13 in-season adjustment we could make, so we don't need to
14 put this in that particular fisheries management plan.

15 For black sea bass, their preferred
16 option is to limit participation in the pot fishery by
17 requiring a qualification criteria of 1,000 pounds per
18 year between the years of 1998 and 2008.

19 You may recall that some of our
20 fisheries management plans have a qualification level
21 of one pound. And the staff has suggested one pound and
22 they discussed this, and finally Roy Crabtree said,
23 well, he felt like that for someone to qualify to
24 participate in the sea bass, pot fishery they should

1 have significant landings. So they settled on as a
2 preferred option 1,000 pounds per year for the whole
3 10-year period.

4 They also adopted a preferred option to
5 limit effort in the black sea bass pot fishery to limit
6 the fishermen to 50 pots per vessel. And one of the
7 North Carolina Council members had done a survey, and
8 the majority of the fishermen who fish pots south of
9 Hatteras fished 25 to 40 pots, but there are a handful
10 of fishermen, six or so, that fish upwards of a hundred
11 pots. But when they are fishing a hundred pots, they
12 normally leave them out for an extended period of time.
13 The fishermen who fish 25 to 40 pots usually go out and
14 fish those pots and take them back in when they return
15 to shore.

16 The accountability measure for black
17 sea bass as to preferred is to close the pot fishery when
18 90 percent of the commercial ACL is met. But, again,
19 they really don't have realtime information that will
20 allow them to act as soon as the problem occurs.

21 And for the past several years, I have
22 been attending these South Atlantic Council meetings
23 primarily because of information we received about the
24 fact that all sources of mortality for snapper grouper

1 species had to be addressed under the new
2 Magnuson-Stephens Act, and the South Atlantic became
3 aware of snapper grouper species being harvested in the
4 Mid-Atlantic area primarily off of Virginia.

5 And so there was a proposal to extend the
6 management area for snapper grouper species northward
7 into the Mid-Atlantic or even New England area
8 jurisdiction. So we've gone back and forth on this, and
9 we received word that NOAA General Counsel
10 Representative for South Atlantic, Monica
11 Smith-Brunello was going to brief the South Atlantic
12 Council as to whether or not we even needed to include
13 the Mid-Atlantic area in the management area. So Rick
14 and Chris and I met with Monica and Roy Crabtree and the
15 Chairman, Dave Coco of the South Atlantic and talked
16 this over before it came up on the agenda, and when it
17 did come up on the agenda Friday morning, then the advice
18 from NOAA general counsel was: Well, right now it's not
19 necessary to extend the management zone -- management
20 area; we'll probably put it on the back burner for a
21 while, and the rationale for this is that we do not have
22 enough information on snapper grouper species north of
23 the North Carolina-Virginia border, which is the
24 current northern boundary of the management area; we

1 don't have enough information to establish ACLs for
2 snapper grouper species; and so at this point in time,
3 there is no effort to go forward with expansion of the
4 management area in 18B; 18B will probably stay alive for
5 other issues that come up with snapper grouper.

6 And so, Mr. Chairman, I would recommend to the
7 Council that we stay on top of this, that we be
8 proactive, and continue to collect data. It probably
9 will come back at some point in time, but it's just not
10 a real high priority for the South Atlantic at this time.
11 And one of the things that we possibly could do would
12 be to look for funds to fund some genetic research to
13 see if, in deed, if these fish are the same stock as they
14 have south of the current management -- northern border
15 of the management area. Chris Moore has indicated in
16 our conversation in the past that the juveniles were
17 found all the way up to New England. So maybe it is the
18 same stock. But at this point in time, the South
19 Atlantic really doesn't have any information on where
20 those fish came from and where they go. So, Mr.
21 Chairman, that concludes my South Atlantic report, and
22 I'd be glad to answer any questions that Council members
23 may have.

24

COUNCIL CHAIRMAN RICHARD ROBINS:

1 Thank you, Red. As Red pointed out, Chris and I were
2 there at the meeting, and I came away from that with a
3 renewed appreciation for the quality of the fisheries
4 data that we have in our region both in terms of catch
5 and assessments.

6 The South Atlantic Council has had to
7 make quite a very difficult decision on ACLs in the
8 absence of assessments. And so looking at like the
9 wahoo fishery, they passed a motion that would have a
10 two fish per vessel limit; and that basically reduces
11 that to a bycatch in the offshore trawling fishery
12 recreationally. So I think that was a bit of an
13 eye-opener. I think Red's right, though. We would be
14 well advised particularly at the state level to continue
15 to try to collect hard parts on these fish for those of
16 us that are catching snappers and groupers. So
17 Virginia through New Jersey at least would benefit from
18 collecting that information. Yes. Pete.

19 PETER HIMCHAK: Yes. Red, could you
20 give us some specific guidance on what we should collect
21 in the event we can get access to some of these fish?

22 RED MUNDEN: Basically, the South
23 Atlantic focus on landings data more than anything else.
24 They say we need accurate landings information. But in

1 my conversations with Rick, they said the more
2 information we can get the better. As Rick has pointed
3 out, hard parts.

4 And I've talked to Joe Griss and Jack
5 Travelstead in the past about trying to just identify
6 -- you know, where these fish came from, have they been
7 out there as a remnant population all a long and just
8 recently discovered by primarily the recreational
9 fishermen, as I understand it? Any information that we
10 could collect, I think would be helpful.

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Thanks, Red. Any further questions? Okay. Seeing
13 none, I'll go on to Chris Moore.

14

15 EXECUTIVE DIRECTOR'S REPORT

16 CHRIS MOORE: Thank you, Mr. Chairman.
17 If you look at the material behind Tab 12, the first
18 thing behind there is our typical work plan or calendar
19 of activities. This is the 2011 annual work plan. We
20 don't expect much to happen between now and the end of
21 the year, so we didn't put the old 2010 calendar in
22 there. This is the 2011.

23 And this 2011 annual work plan scheduled
24 activities included the things that we know of to date.

1 But, as we've done in the past, this is a living document
2 subject to change, and there's probably already things
3 that we could change in it, so over time you will see
4 changes to this.

5 Our Council meetings are in this
6 document, so you can see when they're scheduled for the
7 rest of the year. Those are also on the website. Our
8 next Council meeting is in New Bern, North Carolina. We
9 have a couple items there that we think we may be
10 addressing, and certainly there's going to be more there
11 than just discussions about RSA and loligo squid. So
12 take a look at that when you get a chance.

13 As you flip through the document, at the
14 bottom of the second full page is the likely FMP
15 amendments and frameworks for 2011. So we still have
16 on our list Amendment 15 to surfclams and ocean quahogs,
17 Amendment 3 to spiny dogfish, and, of course, Amendment
18 14 to squid, mackerel and butterfish. The FMPs without
19 signing SFA disapprovals don't include Amendment 1 to
20 bluefish. We intend to take care of the EFH gear
21 impacts for bluefish in a specification package. So at
22 least that part of that deficiency or that disapproval
23 will be taken care of next year.

24 In fact, if you look at the next item

1 behind the tab, this is the 2011 Council priorities and
2 projects that we agreed on at the last Council meeting.
3 So take a look at that and see the full suite of projects
4 there.

5 Based on what happened at this meeting,
6 we've added a couple things to the list pending Council
7 action here later today. So we've got a full suite of
8 activities. Take a quick look at that Amendment 11 to
9 squid, mackerel, butterflyfish. That has been submitted.
10 It will be submitted this week.

11 We've talked about Amendment 14.
12 Amendment 15. This morning we talked about an
13 additional item to consider as it relates to the PSP
14 issue. Spiny dogfish Amendment 3 we talked about that
15 in a committee meeting yesterday.

16 The AP performance report we've
17 discussed this morning at Executive Committee, and Rick
18 will bring you up to date on that as well as a visioning
19 project. The Ecosystem Based FMP project, that's still
20 a little uncertain as to exactly what that's going to
21 entail. But that's on the list as well. MARCO. We've
22 sent in the request as we discussed during the habitat
23 workshop, and that letter is behind the tab. And
24 there's a couple other things on there as well.

1 The one thing that we do need to discuss
2 is exactly what's going to be in the next amendment to
3 summer flounder, scup, and black sea bass. And that's
4 something that we'll have a discussion about later.

5 The next item behind the tab is the
6 current list of fishery management plans, committee
7 projects, other FMPs and the staff person responsible
8 for each one of those activities, FMPs or issues.

9 There's been some changes to that list.
10 This is the list that you see on the website as well.
11 If you have any questions about that, certainly ask me
12 about that when you get a chance.

13 The next item behind the tab is a list
14 of -- or just a one-sheeter on our EFH training that we
15 had. Dave Stevenson from the northeast regional office
16 came down to the Council office to provide EFH training
17 to the staff. He was there for a full day. So we
18 appreciate Pat letting him come down to do that
19 training. And certainly, we enjoyed having Dave there
20 for that day to talk about EFH stuff. Speaking of EFH,
21 if you flip that next page over, we do have some EFH
22 issues that we do need to address. One of them is the
23 fact that the summer flounder, scup, and black sea bass
24 definitions for EFH need to be updated.

1 We sent in a request to the Center to ask
2 the folks at Sandy Hook to prepare the source documents.
3 Those documents will be prepared in 2011 to allow us to
4 then update those EFH definitions in 2012.

5 Moving quickly through the next couple
6 of pages, one of the things that the NRCC did several
7 years ago was establish a observer funding working
8 group. And that report which was revised October 26th,
9 2010, was presented to the NRCC at our NRCC meeting.

10 And I've put it behind the tab so that
11 you could take a look at it when you get a chance. If
12 you have any questions about that, certainly I can try
13 to answer those as well.

14 The next item behind the tab is
15 informational. I've had several questions from folks
16 about it -- about a group called the fish collaborative,
17 and this fish collaborative is a group of organizations
18 represented at the top of the page. This is a letter
19 dated October 22nd to Dr. Lubchenko talking about marine
20 recreational data.

21 Specifically, they are concerned about
22 MRIP. So if you read through the letter, basically they
23 are concerned that the MRIP process has not really
24 addressed the timeliness of data and suggest that, in

1 fact, that be done. The fish collaborative guidelines
2 and background because it's a group that you may not be
3 aware of is also behind that tab just to let you know
4 who those folks are and what they're about. So the
5 mission statement is there. The different entities
6 that belong to that group are listed as well.

7 The next item behind the tab is just to
8 let you know that we participated in a workshop that was
9 put together by the Gulf Council. Jose and Lee went
10 down to that workshop. It was a workshop on sector
11 separation.

12 I believe, Lee, that they're having
13 another workshop early in 2011 related to sector
14 separation as well. At least that's my understanding.
15 You didn't know that? Well, they will. So I'm sure
16 you'll get notice of that.

17 The next item is our letter to Laura
18 McKay regarding her involvement with MARCO asking that
19 we be put on the Executive Board and certainly offering
20 our staff in terms of any sort of committees that they
21 might form as a result of that process.

22 The next item behind the tab is in
23 response to a question that Pete Himchak had regarding
24 our progress on the successive share limit issue and the

1 surfclam and ocean quahog fishery. There was a webinar
2 that was held on October 22nd.

3 Jose and Tom and Lee participated in
4 that, and certainly I think Lee could address that
5 better than I. But just in terms of what happened,
6 Pete, the terms of reference and the scope of work were
7 reviewed in that particular webinar. After those
8 presentations were made, there was a great deal of time
9 that was spent on detailed questions that these
10 independent experts had regarding the surfclam and
11 ocean quahog fisheries. And there are a number of folks
12 who listened in on the phone and they participated in
13 that discussion. It went well.

14 After the webinar this group of
15 independent experts came up with a second set of
16 questions that were then addressed by industry counsel,
17 staff; and there was NOAA from the Northeast Fishery
18 Science Center.

19 And, again, the process is continuing.
20 When a final report is completed, there's going to be
21 a CIE type of review that will take place probably in
22 early spring 2011. There's a series of -- yeah, if you
23 want to before I finish.

24 PETER HIMCHAK: I just wanted to

1 mention that it was at least four hours well spent
2 listening to the discussion of how the shares and the
3 resource moves about with the processors. I'll save my
4 comments for when we get into discussion later on, but
5 it was worth listening to.

6 CHRIS MOORE: Last but certainly not
7 least is a symposium that got a lot of attention was the
8 energy use and fishery symposium. I was the chair of
9 the Steering Committee. I had agreed to do that before
10 I started work with the Council. So Rick was gracious
11 to let me continue that and finish that job as a Council
12 representative or as Executive Director of the Council.

13 The program basically extended over
14 three days. We had almost 200 folks there from almost
15 20 different countries. And it was well received.
16 Folks were very interested in the topic.

17 There's some of my opening remarks on
18 the following page. And also just to give you a flavor
19 of the kind of things that were discussed, there's a
20 paper there from some folks from Mexico about the
21 constraints and opportunities for energy savings in
22 capture fisheries in Mexico.

23 And I put that in there because it's a
24 good example of some of the discussions we had. So we

1 had a number of folks from around the world that were
2 experts in vessel design, experts in fuels, alternative
3 fuels, alternative gears.

4 And almost to a man they agreed that
5 probably the most efficient way of reducing energy cost
6 to fisheries is through fishery management actions.
7 And if you read this paper, these two pages from these
8 folks in Mexico, you'll see what they found down in
9 Mexico that supports that statement. The symposium was
10 important in the sense that it identified a number of
11 action items for continuation. Those are on the
12 following two pages. And, again, if you get a chance,
13 read those, and if you have any questions, certainly
14 send me an e-mail or call me. Thanks.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Chris.

17 CHRISTOPHER ZEMAN: I just have one
18 question about that letter that was from those various
19 NGA groups regarding MRIP.

20 COUNCIL CHAIRMAN RICHARD ROBINS:
21 Yeah.

22 CHRISTOPHER ZEMAN: Was there a
23 response to that letter from NOAA? I didn't see one.
24 I can direct that question to Pat, if she knows. Okay.

1 COUNCIL CHAIRMAN RICHARD ROBINS:

2 Pres.

3 PRESTON PATE: I honestly don't recall
4 whether or not it was responded to or not, but with
5 regard to the substance of the claims that they were
6 making about the time limits, that is one of the major
7 initiatives that we have now with a special project that
8 is coming out of S & T, not from the operations group,
9 which I chair.

10 But there is a workshop coming up soon
11 that engages a lot of the people that were signatories
12 to that letter and to that process to look at the
13 opportunities and limitations of faster data delivery.

14 COUNCIL CHAIRMAN RICHARD ROBINS:

15 Thanks, Pres. John Boreman.

16 JOHN BOREMAN: Yeah. I just got word
17 yesterday that the directive came down from the
18 administrator's office to my old office in S & T to start
19 drafting a response to that, to that letter.

20 In terms of the letter itself, that
21 group also initiated this blue ribbon panel that I was
22 a part of to meet for a day in Washington and talk about
23 ways that we could improve -- fill in the gaps at MRIP
24 you're still going to have after its initiated.

1 It's not going to be perfect. There's
2 going to be some areas that there still will be a need
3 for data. And several important conclusions came out
4 of that meeting, and one was they backed off on this
5 timeliness issue.

6 They are not pressing as hard anymore to
7 have weekly waves or whatever. They realize that it
8 depends on the availability of data, how quickly you can
9 get it, and how important it is to have timely
10 information.

11 So they're recommending do that, handle
12 that species by species. They're looking at species
13 like Pacific salmon that they monitor very closely where
14 it may be possible to have shorter waves. But they
15 backed off of having an across-the-board recommendation
16 that MRIP should be for all the species should be on one
17 or two week or one month wave. So they had backed off
18 on that.

19 And second important thing is they
20 identified a number of areas where the angling community
21 itself either through clubs or guides or whatever can
22 contribute to the information base in a number of
23 different pathways that -- how that could be used, types
24 of technology you can take advantage of, just using your

1 blackberry and sending e-mail and stuff like that.

2 Some of the recommendations I agree are
3 unrealistic, but for the most part it was very positive.
4 It was a positive comment on MRIP saying that they're
5 not there to criticize but just build on it and look for
6 ways that anglers can compliment the data that's being
7 collected through the MRIP program. Thank you.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Thank you, John. Chris.

10 CHRISTOPHER ZEMAN: Thank you. If
11 there was a summary of that meeting with those
12 recommendations on how individual groups or small
13 groups can participate, I'd love to see that.

14 COUNCIL CHAIRMAN RICHARD ROBINS: I
15 believe they do have a formal report of that, and I can
16 try to forward the contact information to you, Chris,
17 I guess. I received one of them, so. Any other
18 questions? Howard.

19 HOWARD KING: Different subject. Is
20 the excessive shares webinar archived on our website?

21 CHRIS MOORE: I don't think so, Howard.
22 I don't think we record them.

23 COUNCIL CHAIRMAN RICHARD ROBINS:
24 Pete.

1 PETER HIMCHAK: Mr. Chairman, I mention
2 this only because we've talked about MRIP. The Senate
3 in New Jersey passed a bill to put in a free registry
4 in the recreational fishery in 2011. It had already
5 passed through the House.

6 We expect the governor to sign it
7 shortly. So the Marine Fisheries administration will
8 be getting our marching orders any day now to set up a
9 free registry for implementation for next year. Thank
10 you.

11 COUNCIL CHAIRMAN RICHARD ROBINS:
12 Thanks for the update, Pete. Okay. Any further
13 questions for Chris? All right. We'll go on to Rich
14 Seagraves with the status update.

15
16

17 STATUS OF MAFMC FMPs

18 RICHARD SEAGRAVES: Thank you, Mr.
19 Chairman. The report is behind Tab 13. The first item
20 -- the first two items relate to compliance with the new
21 management measures related to the butterfish mortality
22 cap, which in the loligo fishery becomes effective
23 January 1, 2011. The bulk of them talk about -- the
24 items talk about the elements of the cap program.

 Significant is the requirement for

1 vessels that want to land more than 2500 pounds of loligo
2 to notify the service of their intention to fish and then
3 requirement if selected to carry an observer. So the
4 details of that are given as well as the calculation
5 methodology that's going to be used to actually monitor
6 the cap.

7 The next item is a notification of
8 closure of the directed fishery for Atlantic herring in
9 Area 1A on November 8th, which then invokes a 2,000 pound
10 trip limit. The fishery was recently reopen up. The
11 trip limit was suspended for three days in mid-November.

12 The next item is notification to permit
13 holders of reopening of the federal spiny dogfish
14 fishery for Period 2, which is November 1 through April
15 30th. The next two items Pat had already eluded to, but
16 I included these. First is the proposed rule for the
17 summer flounder, scup, black sea bass specifications.
18 And that's all by the proposed rule of the Atlantic
19 mackerel, squid butterflyfish specifications for 2011.
20 Following that is a notice put out by NOAA which would
21 require a \$15 fee for anglers in Hawaii, New Jersey,
22 Puerto Rico, Virgin Islands, which must register or
23 renew in 2011 and a fee of \$15 associated with that
24 registration.

1 The next item Jim Weinberg covered is
2 the updated SAW - SARC schedule. Notably is the fact
3 that our species updates will occur this spring again
4 that we've gotten in the past.

5 And the final item is a shark advocates
6 international press release indicating that ICCAT had
7 agreed to prohibition or retention of oceanic white
8 tipped sharks, would restrict the exploitation of
9 hammer heads and establish a process for penalizing
10 countries not complying with requirements to report
11 catches and to reduce fishing pressure on short fin
12 makos. So that's an FYI with a description of the
13 rationale and actions taken at ICCAT. And that
14 completes my report.

15 COUNCIL CHAIRMAN RICHARD ROBINS:
16 Thanks, Rich. Questions for Rich? Okay. Dr.
17 Boreman.

18

19

SSC COMMITTEE REPORT

20

21

22

23

24

JOHN BOREMAN: Thank you. I'll try to
keep it short. We've already heard about the efforts
to involve our social sciences scientists on the SSC and
to help the advisory panels put together reports on
characterization of the fisheries. And beginning of

1 this week there was mention of the newly formed
2 ecosystems subcommittee of the SSC whose terms of
3 reference were developed I think at the last Council
4 meeting and approved. That group is moving forward,
5 and probably you'll have a teleconference within the
6 next month to start working on the terms of reference.
7 And lastly last Monday and Tuesday a number of us from
8 the SSC as well as the chair and the vice chair were up
9 in Woods Hole attending a workshop that was the second
10 workshop -- actually it should have been the first, but
11 it turned out to be the second -- that was requested by
12 the NRCC to have the members of the SSCs both the
13 Mid-Atlantic and New England meet with the stock
14 assessment folks in Woods Hole to talk about
15 expectations and capabilities, expectations on the
16 parts of the SSC in terms of what we're looking for in
17 stock assessments now according to our new ABC control
18 rules and the capabilities of the Center scientists to
19 produce the types of data and modeling that we're
20 looking for.

21 It was a very candid, open discussion,
22 not too much anger in there, but a little bit, and I think
23 it was basically because of lack of communication. We
24 will have several follow-up meetings, smaller groups to

1 sit down and really iron out how we can -- I wouldn't
2 say improve the stock assessment. For the most part the
3 information is collected, it's modeled; the analyses
4 are done, but they haven't been put into the stock
5 assessments. So it's a question of how we're going to
6 repackage stock assessments to give the Mid-Atlantic
7 SSC what we're looking for in terms of the overfishing
8 limits and the probability distributions associated
9 with those limits as well as other data that we can use
10 to determine the ABC levels for the Mid-Atlantic stocks.

11 So I believe it was probably more
12 productive than the first workshop. There will be a
13 report coming out, and I will make sure the chair gets
14 a copy of that report -- you probably will get one anyway
15 -- and we'll circulate that around to the members of the
16 Council.

17 And other than that, our next meeting's
18 not until May of 2011. We usually have a meeting in late
19 winter, but unless somebody comes up with a pressing
20 topic, most of our work over the winter will be done
21 through our subcommittees.

22 The subcommittees are going to be
23 working on their management strategy evaluation.
24 That's being conducted at the University of Maryland

1 through Dr. Mike Willberg and Dr. John Weiderman, who's
2 a post doc there, and the Ecosystem Subcommittee and the
3 new Social Sciences Subcommittee that's going to be
4 assisting the advisory panels. And with that, that's
5 the end of report. Thank you.

6 COUNCIL CHAIRMAN RICHARD ROBINS:
7 John, thank you. Questions for Dr. Boreman? The
8 meeting that John described in Woods Hole was really a
9 critically important step to try to get the stock
10 assessment scientists and the SSC together to discuss
11 exactly what the SSC needs for finding the new control
12 rules.

13 I think that was an important step and
14 would imagine that some of the next steps might include
15 some follow-up discussion back and forth between the SSC
16 and the stock assessment scientists in a more limited
17 group perhaps.

18 But I think that will put us in a much
19 better position as we go forward to make sure we have
20 a common set of expectations about what's going to be
21 in those assessments. Thank you, John. Chris Zeman,
22 are you ready for the ad hoc report?

23

24

1 AD HOC RIVER HERRING/SHAD COMMITTEE REPORT

2 CHRIS ZEMAN: Yes, I am. The Grouper,
3 Herring and Shad Ad Hoc Committee met for its first time
4 on Monday, December 13th. As it was an intro meeting,
5 we did also include a new member to represent the New
6 England Fishery Management Council.

7 And also what we did was during that
8 meeting we clarified the purpose of the committee and
9 scope with respect to other FMP's activities. We saw
10 that needed some clarification to see our purpose versus
11 the purpose of other committees and other activities
12 going on with Amendment 14. We also had initial
13 discussions on how to achieve the directive of the
14 Council regarding its motion.

15 Which we only had two parts. One was to
16 evaluate the best way to coordinate and cooperate with
17 the Commissions, the New England Councils and NOAA
18 efforts to conserve river herring and shad complex both
19 in the short term and the long term.

20 And also the second part of that motion
21 is to identify alternatives to provide comprehensive
22 EFH rebuilding of bycatch protections to river herring
23 and shad. The Committee understood the second part of
24 that motion to -- most of the intent of that to not just

1 focus on FMP alternatives, but also look at the whole
2 range of options that we can do ranging from status quo
3 to non-FMP alternatives as well as FMP alternatives.
4 And that's the way the Committee will move forward on
5 that aspect.

6 And we had an initial discussion of
7 identifying alternatives to further investigate or to
8 have staff and members of the Committee further
9 investigate specifically with regard to coordination.
10 One clear need we saw was a need for a data collection
11 hub for river herring and shad, shad reports and data.
12 Right now we're getting multiple reports from multiply
13 bodies. Secondly, a non-FMP alternative to sort of
14 improve and ensure cooperation in the long term is to
15 look at and see if we can create an informal relationship
16 between the Commission and the Council in terms of
17 providing annual reports.

18 We both provide reports. The
19 Commission provides us a report regarding river herring
20 and shad status, and we would also then provide them a
21 report as well regarding what activities in federal
22 waters and their impact on river herring and shad.

23 In terms of, like, moving forward on
24 terms of improving and providing complimentary

1 conservation efforts on substantive issues, such as
2 habitat, bycatch and rebuilding, we had an initial
3 discussions as to sort of options that we have in terms
4 of improving on what states or the Commission are
5 already doing in terms of habitat and to evaluate what
6 would be the benefit versus the costs of adding
7 additional things, such as FMP or EFH designation.

8 And, of course, there are also other
9 non-FMP alternatives, such as improving the Councils
10 focus or direction regarding nonfishing impacts and
11 other ongoing NOAA consultation activities like the
12 Federal Powers Act. And so I'm going to be providing
13 a more detailed summary in the near future once Jason
14 and I review the audio. And we'll provide that to the
15 Council shortly.

16 COUNCIL CHAIRMAN RICHARD ROBINS:
17 Chris, just so I'm clear: I know you distilled a list
18 I thought of issues that were going to be further
19 evaluated with -- you know, some staff support, and I
20 thought under one of those was habitat conservation.
21 Were there a couple of others that involved staff
22 analysis, or was that a --

23 CHRISTOPHER ZEMAN: Yes. I was trying
24 to provide a short summary. But I have more details,

1 if you want me to.

2 COUNCIL CHAIRMAN RICHARD ROBINS:

3 Yeah. Could you just highlight those things that
4 staff's going to be evaluating.

5 CHRISTOPHER ZEMAN: Right. One of the
6 tasks for habitat analysis -- it is an investigatory
7 committee, so what we're looking at in terms of habitat
8 is we're going to have the Commission is going to provide
9 us a summary of its ongoing habitat work.

10 And our staff is going to also then look
11 at additional -- we're going to sort of look at that as
12 sort of the baseline status quo and see what else we can
13 do in addition to that to improve on what the
14 Commission's already doing. And that would be a review
15 of like what we can do from a federal perspective on
16 habitat.

17 COUNCIL CHAIRMAN RICHARD ROBINS:

18 Okay. But were there issues other than habitat that
19 staff was going to be engaged in?

20 CHRISTOPHER ZEMAN: Yes. Yes.

21 Absolutely. And generally the result has generally
22 been the same like let's say for rebuilding efforts.
23 One of the comments actually from the audience that we
24 heard was there was a need to sort of improve

1 coordination on rebuilding, our rebuilding efforts.

2 And that would be another area of
3 investigation in terms of how do we improve on what the
4 Commission is already doing. But generally that sort
5 of investigation is going to lead along the same lines
6 where we really look at status quo and we look at sort
7 of a range of alternatives both non-FMP and FMP.

8 Again, the details have not been
9 developed. And obviously we won't do a complete range,
10 but just ones that we think have value we would look at
11 and then make a recommendation to the Council.

12 But, again, this is our first
13 instructory committee meeting. I expect to have a more
14 flushed-out, detailed development of that list by our
15 next committee meeting which will probably be at the
16 February Council meeting.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Questions for Chris? I know there was some confusion
19 about the purpose of the committee, and I just wanted
20 to touch on that. As I see it, we created the committee
21 by Council action, but I think the purpose was laid out
22 in that motion.

23 I mean it was set up to address specific
24 questions, and so I think the committee can continue to

1 move forward down that path with evaluating the issues
2 that were identified.

3 CHRISTOPHER ZEMAN: Yes. And we plan
4 to. And I definitely recognize that it needed to be
5 clarified. I mean I'm also personally reaching out to
6 Commission members to make sure they understand the mold
7 of this in relation to other Council activities.

8 I already started doing that, but after
9 contacting the main commissioners, I realized all of
10 them are either looking at being termed out or may not
11 be around in January. So I'll probably start that
12 effort in January just to really allow them the
13 opportunity to find out more detail and answer any
14 questions. Also, if anyone else has any other
15 questions, always feel free to contact me.

16 COUNCIL CHAIRMAN RICHARD ROBINS: Any
17 further questions now for Chris? All right. Pat
18 Augustine, do you have a report for HMS?

19

20 HMS COMMITTEE REPORT

21 PAT AUGUSTINE: I do, Mr. Chairman.
22 Thank you very much. I would refer you to the last page
23 behind Tab 13, which Rick covered. The NMFS announces
24 a quota to the commercial non-sandbar and large coastal

1 shark fishery in the Atlantic region. Then flip over
2 to Tab 14. I'll just breeze through these because
3 they're all in your briefing book. An update on the
4 Atlantic swordfish landings moving along quite well.

5 There's another report that was just
6 released last week that did not make it into this
7 publication, but it will be in the next one. The next
8 is a letter to the Fabi Hazin, Chairman of the ICCAT
9 responding -- the U.S. responding to a letter of concern
10 by the ICCAT secretariat that our reporting was not
11 quite up to snuff.

12 And the report indicates that the review
13 of the bluefin tuna the BCD report has been changed and
14 updated to reflect what we actually caught and what we
15 didn't caught. I thought it was important to put that
16 in there.

17 Then I'll get to my ICCAT report.
18 Commercial landings of bluefin tuna moving along rather
19 well. Atlantic shark commercial shark fishery, again,
20 the Gulf of Mexico and non-sandbar and large coastal
21 sharks they were over the quota very early on in the
22 season. About a month and two weeks they were at 109
23 percent.

24 And then the last one was porbeagle,

1 which is on the agenda that I will talk with you about
2 briefly at the ICCAT meeting. NMFS requests
3 nominations for the Atlantic HMS SEDAR Pool. So, if you
4 have anyone in your area or state they should look at
5 this if they're interested and could qualify to be on
6 that SEDAR pool. It's a very important grouping of
7 people that have extremely important duties to perform.

8 That was a notice of the Highly
9 Migratory Species advisory panel. It was just a copy
10 of the previous notice. Protected species release. A
11 disentanglement identification workshop will be held in
12 January, February and March. This is for commercial
13 fishermen. Any of your groups that are commercial
14 fishermen involved here should be notified they should
15 attend.

16 NMFS announces a shark identification
17 workshop. Again, attend that. And then the schedule
18 following our Federal Register tells what those dates
19 were. [Interruption]. There was a letter added at the
20 end of the Tab 14 by an organization that is involved
21 and closely watches the ICCAT activities of the Shark
22 Advocates International. And from their perspective,
23 this was a result of the ICCAT meeting this year. You
24 have a handout that was passed out, I believe, late

1 yesterday or this morning. It's a five-page document
2 that gives you a summary. I just abbreviated that for
3 you and just hit the highlights to be very quick.

4 Bluefin tuna. Modest reduction was
5 identified, and both the east and western Atlantic
6 stocks quotas have been reduced. The North Atlantic
7 swordfish fully rebuilt. The U.S. successfully
8 protected it's current allocation.

9 There was a hard push by several of the
10 countries to get a good portion of that, and we had a
11 fall-back plan that the U.S. was going to go forward with
12 a research set-aside program and identify countries
13 that would abide by our U.S. standards in dealing with
14 research set-aside.

15 But as it was, we were successfully able
16 to protect our current quota. Big-eyed tuna there are
17 no major changes. ICCAT rolled over its existing
18 measures, which is okay, but it really doesn't do the
19 job it's supposed to.

20 Taiwan, incidentally, was authorized --
21 [interruption] -- due to piracy in the Indian Ocean, the
22 fleet has been allowed to increase to Taiwan seven
23 vessels because the piracy is rampart there. Bill
24 fish. ICCAT extends the current conservation measures

1 through 2011. Sharks. We had Atlantic shark fin mako.
2 They improved measures to reinforce the reporting
3 requirements for all countries to reduce and try to
4 reduce mortality. The oceanic white tipped shark
5 continues to be a very critical shark, and it's being
6 watched very closely, though ICCAT adopted a measure
7 that prohibits retention caught.

8 In all the countries within ICCAT family
9 and to actually produce a collection document that shows
10 what they caught and then report it accordingly
11 including discards.

12 Hammerhead sharks mostly there's a
13 prohibited retention of all species of hammerhead
14 sharks. [Interruption.] The rest of the report and
15 just small details you can get it in the summary that
16 I sent to you or handed out to you.

17 If you have any real burning question,
18 go to ICCAT website in your google, bing, whatever it
19 happens to be, and then go to the menu on the left-hand
20 side and pick out the issues that you want to talk about.
21 That's about it. The rest is all small details, Mr.
22 Chairman.

23 It looks like the next meeting will be
24 in Madrid in 2011. And, again, the full details will

1 be found under ICCAT. Any questions, please let me
2 know, or we'll have a sidebar after the meeting.

3 COUNCIL CHAIRMAN RICHARD ROBINS:
4 Thanks, Pat. And great sound effects. Okay. I'll
5 move on to the Executive Committee report.

6

7

EXECUTIVE COMMITTEE REPORT

8 COUNCIL CHAIRMAN RICHARD ROBINS: We
9 covered about half a dozen issues in Executive Committee
10 this morning. And one was the travel and compensation
11 subcommittee's recommendation for amendments to the
12 SOPs. And I'll just summarize to say that the ad hoc
13 committee was tasked with reviewing the Council's
14 travel policy in the SOPs with respect to compensation
15 and also compensation related to webinars because
16 webinars being a new technology that we're beginning to
17 use when we're not able to convene in a normal meeting.
18 We wanted to have a policy in place on that.

19 They have a recommendation that drafts
20 should be before you. The committee has recommended
21 adoption of that. It basically reaffirms our existing
22 travel compensation policy and simply clarifies it.

23 Then on webinars, they recommended that
24 the webinar compensation be set up so that if it's less

1 than one hour there would be no compensation. If it's
2 scheduled to last one to four hours, then it would be
3 half the day's compensation. More than four hours
4 would be a full-day compensation. The idea for
5 something less than an hour, that would just be almost
6 the equivalent of a wrap-up conference call or something
7 like that. So we wanted to make sure we had a policy
8 in place that represented a good use of Council funds
9 and yet compensated members fairly for their work.

10 So the subcommittee had recommended
11 that, and the Executive Committee recommends that for
12 inclusion in the SOPP. Is there any questions on that
13 recommendation? Is there any objection to adding the
14 amendment to the SOPPS? Seeing none, that will be
15 added.

16 We also discussed the question of the
17 prioritization of the scup bioeconomic analysis. That
18 would be an analysis of two issues related to the scup
19 FMP; one, the recreational commercial allocation and,
20 two, the possibility of moving some fish from Winter 1
21 or the winter period to the summer period to try to
22 improve the overall economic performance of the fishery
23 and opportunities.

24 We had agreed to this through our

1 committee when we met jointly with the ASMFC's summer
2 flounder, scup, black sea bass board, and we wanted to
3 come back and incorporate it now -- it's somewhat
4 perfunctory -- but incorporate it into our priorities,
5 and so the committee has recommended that. Are there
6 any questions on moving forward with that analysis?
7 Okay. I'll get to that in a minute. We also got an
8 update on the AP performance report. I believe Rich and
9 John both touched on that today. The next step in that
10 process is going to be the development of a road map by
11 the staff just a timeline for laying that out.

12 We've already engaged with the social
13 scientists on the SSC. Bonnie McKay is heading that up
14 for us. And it's a very promising project. It's going
15 to be a lot of work. It's going to be -- make relatively
16 -- comparatively easy to accomplish in some of our
17 fisheries, more challenging perhaps in the fisheries
18 that have a much more diverse composition, particularly
19 on the APs. But I think we have a real opportunity in
20 that project.

21 We also had an update on the visioning
22 project. The committee's recommendation on that was to
23 move forward with the development of a road map for
24 strategic planning. And there was a draft statement of

1 work there. The plan would be to continue to edit that
2 and go ahead and put that out for bid so that we can get
3 some assistance with that.

4 Finally, Chris Moore -- not finally, but
5 the next-to-last item was the recommendation we
6 received from Chris Moore to move forward with the
7 communications plan. And the committee has
8 recommended moving forward with that. And I'll let
9 Chris summarize briefly what that would entail.

10 CHRISTOPHER MOORE: I distributed a
11 document to the Executive Committee this morning that
12 I'll make available to the entire Council and our
13 partners electronically. But it was a document that
14 basically laid out a rationale for increasing our
15 communications program.

16 And my recommendation was that we should
17 have a well developed communications program that is
18 strategic and integrated with the communications
19 programs of the other councils, NOAA Fisheries, the
20 Atlantic States Marine Fisheries Commission, and our
21 member states.

22 So I recommended that we initiate action
23 to recruit a dedicated communications specialist or a
24 public affairs officer to manage that program. As we

1 search for the right person to manage the program, we
2 can begin working with contractors to develop a
3 strategic communications plan and begin several
4 projects to enhance our image and communication
5 activities with our partners. That's it in a nut shell.
6 And, certainly, if you have any questions, I'd be glad
7 to address them.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Again, the Committee's recommendation is to move
10 forward with that proposal. We can update as we go
11 along certainly at the February meeting. Is there any
12 questions on that proposal? Is there any objection to
13 that proposal? Seeing none, we'll move in that
14 direction.

15 The last item that we had was a
16 discussion about amending the black sea bass plan, the
17 summer flounder, scup, black sea bass plan to allow us
18 to deal with the spacial considerations related to the
19 management of the recreational black sea bass fishery.

20 This would allow for the development on
21 a normal amendment timeline of incorporating those
22 aspects into the federal FMP. And the Committee has a
23 motion. I'll read that. The motion is: Move to amend
24 the summer flounder, scup, black sea bass plan to allow

1 spacial or regional management of the black sea bass
2 recreational fishery.

3 And, again, the point of this was not to
4 get too far into the details at this point, but to simply
5 set in motion the initiation of an amendment. Are there
6 questions on the proposal? Peter.

7 PETER deFUR: Thank you, Mr. Chairman.
8 The only question I have is where this fits within the
9 context of other topics that we've talked about that
10 were pertinent to an amendment, such as other allocation
11 questions. I know we've got the scup --

12 COUNCIL CHAIRMAN RICHARD ROBINS:
13 That's a good question. I would refer back to the
14 decision process that I think we laid out in the joint
15 meeting, and that was that we would proceed with an
16 economic analysis with the scup allocation question.

17 We would then come back to both bodies
18 and present the findings and say: Do you want to take
19 action on this or not? By initiating this amendment
20 now, as that goes along, we can try to get the scup
21 analysis done as quickly possible.

22 In fact, we've set a deadline of January
23 31 for completing that statement of work so that we can
24 go ahead and get it on a fast track. And if we complete

1 that, let's say in the next six months, we could fold
2 that into this amendment.

3 So I don't think it will be -- it would
4 unnecessarily delay things. But that's how I would
5 envision moving forward. Now, if it takes much longer
6 than that to do the analysis on the economic question,
7 then perhaps it would have to be initiated on a separate
8 action. Is there any objection to the motion? Any
9 further discussion on the motion? Has everybody been
10 heard? Vince.

11 VINCE O'SHEA: Yes, Mr. Chairman.
12 Thank you. So I was thinking of looking at our summer
13 flounder, scup, black sea bass meeting in Charleston,
14 and it seems like we did a similar type of thing to look
15 at -- again, I apologize for not grabbing it quicker.

16 But I sense that this scup thing is going
17 to be to see at the end of January sort of whether or
18 not the dynamics and numbers sort of pencil out to see
19 if there's political will to go forward with addressing
20 the scup thing.

21 COUNCIL CHAIRMAN RICHARD ROBINS: No.
22 If I can clarify. The deadline we imposed at the end
23 of January was for the completion of a statement of work
24 that we would then put out for contract to do the

1 analysis.

2 So we'll be developing a statement of
3 work, and then that will go out for analysis, and we'll
4 come back with the result and feed that back into the
5 process, make that available to the Commission and the
6 Council. Perhaps we'll consider it in a joint setting.
7 Go ahead.

8 VINCE O'SHEA: So the motion that they
9 passed was to initiate an analysis scup allocation
10 between winter and summer periods in the commercial and
11 recreational fisheries to determine if there is a
12 justifiable economic social biological reason to
13 support a modification to the current allocation
14 scheme. So that's what we're talking about. And you
15 guys are going to take the sort of lead on getting that
16 started.

17 COUNCIL CHAIRMAN RICHARD ROBINS:
18 Right. And just by way of process, what we've suggested
19 is that staff -- the staff is already working on the
20 statement of work. They'll develop it. We'll engage
21 our economists on the SSC, let them put their eyes on
22 it and circulate it through your board as well so that
23 they can weigh in if they have any specific
24 considerations that aren't addressed in the original

1 draft, and then we would go out with it at the end of
2 January. Chris.

3 CHRISTOPHER ZEMAN: Would we hold off
4 on scoping this amendment until we get the results of
5 that economic analysis? I mean I wouldn't want to have
6 to do two FMP amendments, to avoid that situation.

7 COUNCIL CHAIRMAN RICHARD ROBINS: I
8 think the question on the Board is critical enough that
9 we need to get the ball rolling, and the scup analysis
10 may come back. It's conceivable that you would say you
11 didn't want to initiate action. It's also conceivable
12 that you'd say you do, and then we can try to fold it
13 in. I think the better play is right here to go ahead
14 and initiate this. Is there any objection to the
15 motion? Seeing none, it's approved by consent. Thank
16 you. I'll go to Red Munden on spiny dogfish.

17

18 JOINT SPINEY DOGFISH COMMITTEE REPORT

19 RED MUNDEN: Thank you, Mr. Chairman.
20 Jan, if you would display the motions for us, please.
21 Mr. Chairman, the Spiny Dogfish Joint Committee met
22 early last evening, and the purpose of the meeting was
23 to make final determination on issues to be addressed
24 in Amendment 3 to the Spiny Dogfish Fisheries Management

1 Plan.

2 For the past year and a half or so, the
3 joint committee has been meeting every now and then.
4 Staff has been coming up with issues we felt would be
5 appropriate to include in Amendment 3. The joint
6 committee took action on seven items. They're shown
7 behind Tab 6 in your briefing book. Mr. Chairman, I can
8 offer these as a group or individually, whatever your
9 preference is.

10 COUNCIL CHAIRMAN RICHARD ROBINS: I
11 would suggest you introduce them as a group, and if
12 members feel strongly about an one option, we could
13 entertain a motion to amend.

14 RED MUNDEN: On behalf of the joint
15 committee, the first item is research set-aside. The
16 joint committee recommended that this be included in the
17 Amendment 3. The second item -- let me follow my
18 briefing book here. The second item is commercial
19 quota allocation alternatives. The committee voted to
20 include that issue in the public hearing document for
21 Amendment 3. And under that the committee felt that we
22 should have two alternatives. One would be for status
23 quo, which is the seasonal allocation of the quota; and
24 two would be to look at regional quota allocations.

1 The next item was specifying the spiny
2 dogfish quota and our trip limits by sex. The committee
3 voted to not include that in Amendment 3. The next item
4 was limited access for the spiny dogfish permits. The
5 committee voted to include this in Amendment 3.

6 The next item would be to include the
7 recreational spiny dogfish fishery in Amendment 3. The
8 committee voted to not include the recreational spiny
9 dogfish fishery. The next item was essential fish
10 habitat designations. The committee voted to include
11 essential fish habitat in Amendment 3.

12 And the final action was the low level
13 of annual management measures, and this is a measure
14 that would allow the previous year's management
15 measures to remain in place until new management
16 measures could be put in, adopted. And so the joint
17 committee also voted to include this in Amendment 3.
18 So, on behalf of the joint committee, Mr. Chairman, I'll
19 offer those motions.

20 COUNCIL CHAIRMAN RICHARD ROBINS:
21 Thank you, Red. And I'm sorry that we had to run you
22 all so late into the night with your committee meeting,
23 but appreciate your perseverance for the whole
24 committee. Are there questions or discussion on the

1 motion offered by the committee? Is there any
2 objection to the committee's motions? Seeing none,
3 they're approved by consent. Thank you, Red.
4 Is there any additional business to come before the
5 Council. Pete.

6
7 NEW BUSINESS

8 PETER HIMCHAK: Just one item,
9 Mr. Chairman, and spread the word on this. Just
10 continue to send cards or letters to Joe Wheatley.
11 These treatments are like really rough and especially
12 around the holidays. Keep thinking of him. It's
13 unfortunate.

14 Spread the word among other Council
15 members to let him know that we're thinking about him.
16 I don't think you have to send any more flowers, but
17 getting a note during this period would be very much
18 appreciated.

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Pete, I appreciate you bringing that up. When I left
21 the South Atlantic meeting on Thursday of last week, I
22 had an opportunity to go down and see him, and I spent
23 about four hours with him on Thursday afternoon.

24 So, yeah. He was planning on being at

1 this meeting, and he was fired up to do that and ended
2 up having to receive some treatments this week and
3 wasn't able to do it.

4 But I'm hoping that we'll see him at the
5 New Bern meeting in February. That's probably 45
6 minutes from his house. So we ought to have a good
7 chance hopefully of seeing him then. But I appreciate
8 you reminding us of that. He's fighting a good fight
9 and looked to be doing well.

10 ERLING BERG: Thank you, Mr. Chairman.
11 Earlier this week you had mentioned the opportunity for
12 members of the Squid, Mackerel, Butterfish Committee to
13 attend the Herring Committee meeting on January 20th in
14 Portland, Maine.

15 Anybody's planning to go and planning to
16 stay overnight needs to decide by January 3rd. That's
17 the cutoff date for rooms. So they'll be released then.

18 And, if you're flying out of
19 Philadelphia, you're stuck with U.S. Air. The longer
20 you wait the more it's going to cost you. So Howard and
21 I will be there. I'll be there the day before for
22 groundfish and the day before that for skate, so.

23 And Howard and I are going up on Monday,
24 this coming Monday, for another herring meeting. So we

1 get to spend a lot of time up there. And then the week
2 after that there's a New England Council meeting in
3 Portsmouth. So I hope it doesn't snow. Thank you.

4 COUNCIL CHAIRMAN RICHARD ROBINS:

5 Well, Erling, I think you're going to start paying taxes
6 in Rhode Island pretty soon.

7 ERLING BERG: I should have kept my
8 house in Massachusetts. I sold that years ago.
9 Looking back, if I kept it, I would have saved some
10 money.

11 COUNCIL CHAIRMAN RICHARD ROBINS: Is
12 there any additional business to come before the
13 Council?

14 PAT AUGUSTINE: Yes. Merry Christmas
15 to all and have a safe trip home. Thank you. Rich.

16 RICHARD SEAGRAVES: Yeah. Just
17 quickly, Eric Schwaab in his presentation to Council
18 yesterday morning mentioned a science workshop, the
19 national workshop that NOAA's planning.

20 And I did get an e-mail from Rick Methot
21 this morning that the target date's the 15th through the
22 17th of February. And that will be held somewhere in
23 the D.C. metro area.

24 So I just got the e-mail. Just to give

1 you a heads-up. And this is a workshop that NOAA will
2 be planning. Eric mentioned it. And the idea will be
3 to try to give the state of the state of scientific
4 information and what the councils need to implement ABCs
5 and ACLs.

6 COUNCIL CHAIRMAN RICHARD ROBINS:

7 Thank you, Rich. And we've offered to host -- on a
8 parallel note, we've offered to host the next national
9 SSC meeting. Tentatively, that would be next October,
10 subject to funding. We don't have a commitment yet on
11 that that I'm aware of, but we're working on that.
12 Patrick.

13 PATRICK PAQUETTE: Thank you,
14 Mr. Chairman. Real quick. On the agenda for the River
15 Herring, Shad, Ad Hoc, it had spoke about review to the
16 FMAT report that was from the 11/16 meeting of the FMAT
17 or the kickoff FMAT for
18 Amendment 14.

19 And there was a very brief comment made
20 by Jason during that, and I think there was an
21 expectation that today it was going to get brought up.
22 So I have a process question.

23 In the document, it talks about
24 alternatives -- the FMAT recommending alternatives out

1 and in. And is there going to be a time before that
2 final decision is made that these
3 alternatives -- 'cause there's some questions that I
4 know that our organization has regarding some
5 conclusions in that FMAT report that we want to have the
6 ability to make before the committee makes the final
7 decisions on that report.

8 COUNCIL CHAIRMAN RICHARD ROBINS:
9 Patrick, thanks for raising that question. I'm glad
10 you did because we did have it in here as a bullet under
11 the committee reports, and it was specifically under the
12 Ad Hoc Committee because we didn't have a report out from
13 the SMV Committee. The intent of putting that document
14 in the briefing book was just informatively to give the
15 Council members an opportunity to see what the initial
16 FMAT recommendations were. And the idea was not to take
17 things out, but if members wanted to add anything they
18 could.

19 I would point out that that set of
20 recommendations will go into the next SMV meeting, and
21 in that setting, that will provide a detailed
22 opportunity for the Committee to go through it and, if
23 members want to add items or options for consideration,
24 they can do so at that time.

1 But we did want to give the Council an
2 opportunity now to, if they wanted to weigh in and
3 express concern about adding something, they could.
4 But it was really just informative.

5 PATRICK PAQUETTE: Thank you.

6 COMMITTEE CHAIRMAN RICHARD ROBINS:
7 Chris.

8 CHRISTOPHER ZEMAN: I also saw that
9 sub-bullet under the Ad Hoc. I mean that was probably
10 a source of some of the confusion. But I didn't feel
11 it was appropriate for me to summarize that, as that's
12 really for the SMV Committee.

13 COUNCIL CHAIRMAN RICHARD ROBINS:
14 Again, I appreciate you all bringing it to my attention.
15 Peter.

16 PETER deFUR: Thank you, Mr. Chairman.
17 So should we communicate back if we have questions,
18 suggestions about the FMAT report?

19 COUNCIL CHAIRMAN RICHARD ROBINS:
20 Yeah. I think it would best directed -- you can raise
21 them with Jason on the staff level for consideration at
22 the next SMV meeting.

23 PETER deFUR: Okay. Thank you.

24 COUNCIL CHAIRMAN RICHARD ROBINS: Is

1 there anything else? All right. Have a great holiday
2 season and thanks for everything this week. The
3 meeting's adjourned. Thank you.

4

5 WHEREUPON:

6

7

THE MEETING WAS CONCLUDED.

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C E R T I F I C A T E

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF NORFOLK

I, PAUL T. WALLACE, a Professional Court Reporter and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing transcript represents a complete, true and accurate transcription of the audiographic tape taken in the above entitled matter to the best of my knowledge, skill

and ability.

In witness whereof, I have set my hand and
Notary Seal this 23rd, day of January, 2010.

PAUL T. WALLACE. Notary Public
My Commission Expires

October 8, 2015

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